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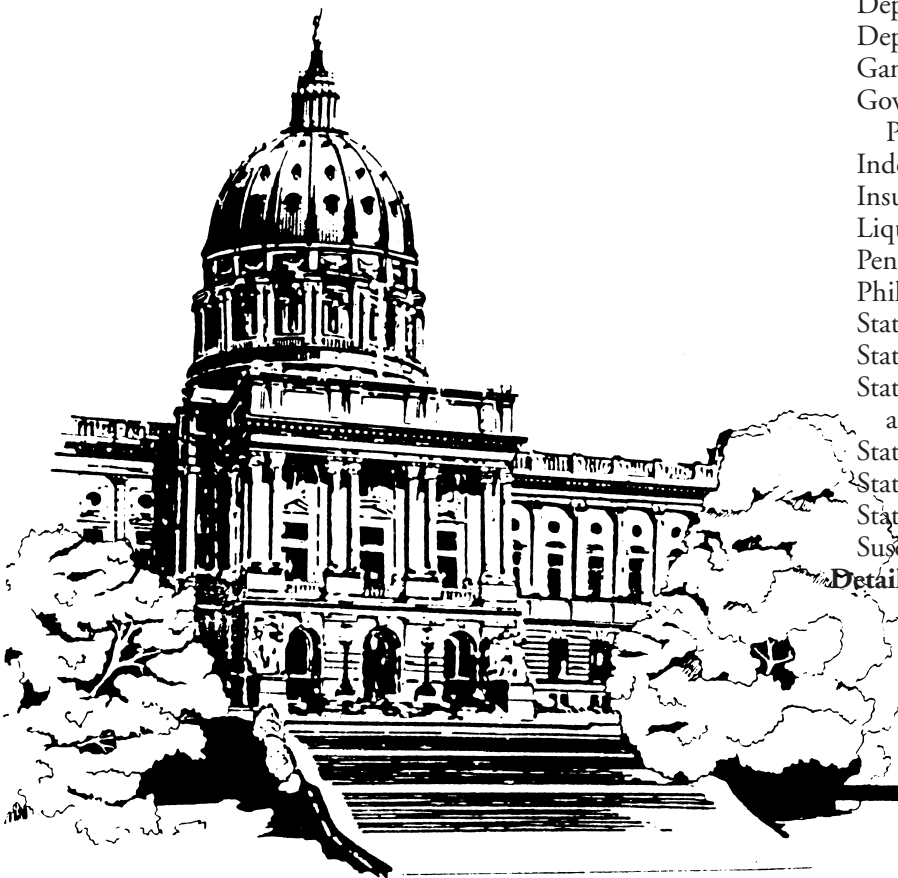
PENNSYLVANIA BULLETIN

Volume 42
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Number 44
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(Master Transmittal Sheets):**

No. 456, November 2012

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Pennsylvania Bulletin

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Pennsylvania Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

Adoption, Amendment or Repeal of Regulations

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances when the agency may omit the proposal step; it still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania Bulletin* before it can take effect. If the agency

wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, it must repropose.

Citation to the *Pennsylvania Bulletin*

Cite material in the *Pennsylvania Bulletin* by volume number, a page number and date. Example: Volume 1, *Pennsylvania Bulletin*, page 801, January 9, 1971 (short form: 1 Pa.B. 801 (January 9, 1971)).

Pennsylvania Code

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

How to Find Documents

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at www.pacode.com.

Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

A chronological table of the history of *Pennsylvania Code* sections may be found at www.legis.state.pa.us.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred. The *Pennsylvania Bulletin* is available at www.pabulletin.com.

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Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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List of Pa. Code Chapters Affected

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THE GOVERNOR

Proclamation of Disaster Emergency

October 26, 2012

Whereas, ongoing monitoring and projections made at my direction by the National Weather Service have disclosed that Hurricane Sandy is going to strike the Commonwealth of Pennsylvania; and

Whereas, Hurricane Sandy has the potential to cause widespread and heavy rains and high winds throughout the Commonwealth of Pennsylvania, which in turn poses a serious threat of flooding and other adverse impacts throughout the Commonwealth; and

Whereas, Hurricane Sandy's potentially heavy rains, high winds, and risk of flooding may result in extensive damage to roads, streets, bridges, private homes, businesses, and may cause other adverse impacts upon the general population of Pennsylvania; and

Whereas, Hurricane Sandy may combine with approaching frontal systems to create heavy snowfall, particularly in higher elevations; and

Whereas, these storm conditions have the potential to cause extensive power outages, road closures, community public safety delays, property damage and other significant adverse impacts throughout the Commonwealth; and

Whereas, the emergency situation caused by Hurricane Sandy and associated weather events may be of such magnitude or severity as to render essential the Commonwealth's supplementation of county and municipal efforts and resources and the activation of all applicable state, county and municipal emergency response plans;

Now Therefore, pursuant to the provisions of Subsection § 7301(c) of the Emergency Management Services Code (35 Pa.C.S. Section § 7101 et seq.), I do hereby proclaim the existence of a disaster emergency in the Commonwealth and authorize and direct that the Pennsylvania Emergency Management Agency Director or designee assume command and control of all statewide emergency operations and that all Commonwealth departments and agencies, under the direction of the Pennsylvania Emergency Management Agency Director or designee, utilize all available resources and personnel as is deemed necessary to cope with the magnitude and severity of this emergency situation.

Further, I hereby transfer up to \$5,000,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency. The aforementioned funds shall be used for disaster-related expenses incurred by various state agencies and departments. These funds shall be credited to a special account established by the Office of the Budget. All Commonwealth agencies purchasing supplies or services or construction in response to this emergency are authorized to utilize the emergency procurement procedures set forth in Section 516 of the Commonwealth Procurement Code, 62 Pa.C.S. Section 516. This Proclamation shall serve as the written determination of the basis for the emergency under Section 516; and

Further, I hereby direct the Pennsylvania Emergency Management Agency to staff the State Emergency Operations Center for the duration of this emergency situation and to augment it with personnel from other state agencies and departments. I also authorize the Agency to direct and coordinate the emergency response, recovery, and mitigation activities of other state agencies and departments as deemed necessary to deal with the exigencies of this impending disaster emergency through implementation of the State Emergency Operations Plan; and

Further, I hereby authorize the Secretary of Transportation to use all available equipment, resources, and personnel of the Department, in whatever manner that he deems necessary, to ensure that all state highways in the areas that may be affected by the disaster are cleared of

debris and any other obstructions resulting from this severe storm and to ensure that highways, bridges, roadbeds, and related facilities and structures, including federal-aid highways, that may sustain damage in the disaster affected areas are immediately repaired, maintained, reconstructed, or replaced, or that new construction is undertaken where necessary. In addition, I hereby waive any laws or regulations that would restrict the application and use of the Department's equipment, resources, and personnel to assist local jurisdictions in the repairs and clearing and removal of debris and other types of obstructions from non-state-owned highways. This assistance to local jurisdictions may be provided solely at the discretion of the Secretary of Transportation. This assistance, however, does not apply to privately owned highways, roads, streets, or other types of property. I hereby authorize the Secretary of Transportation, in his sole discretion, to waive any provision of the Vehicle Code or any other law or regulation which he is authorized by law to administer or enforce as may be necessary to respond to this impending disaster emergency; and

Further, if investigations made on my behalf determine that the Commonwealth is in need of greater flexibility in the application of state and federal motor carrier regulations to accommodate truck drivers in the finding and transporting of fuel, food or other commodities across the state to provide emergency relief during this disaster emergency situation, I hereby direct the Department of Transportation to waive any laws or Federal or state regulations related to drivers of commercial vehicles; and

Further, pursuant to the powers vested in me by the Constitution and laws of this Commonwealth (51 Pa.C.S. § 508), I hereby authorize the Adjutant General of Pennsylvania to place on state active duty for the duration of this disaster emergency proclamation, such individuals and units of the Pennsylvania National Guard, as requested by the Pennsylvania Emergency Management Agency, to alleviate the danger to public health and safety caused by this impending disaster emergency; and

Further, I hereby authorize the Commissioner of the Pennsylvania State Police, in coordination with the Pennsylvania Emergency Management Agency Director or designee, to use all available resources and personnel of the Department, in whatever manner he deems necessary, to aid in the recovery aspects related to all interstate, other federal and state highways in the Commonwealth to address this impending disaster emergency; and

Further, I hereby direct that the emergency response, recovery, and mitigation aspects of the Commonwealth and all applicable county, municipal, and other emergency response plans be activated and that all state, county, and municipal actions taken to implement those plans be coordinated through the Pennsylvania Emergency Management Agency; and

Further, I hereby suspend the provisions of any other regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with this impending disaster emergency. All Commonwealth agencies may implement their emergency assignments without regard to procedures required by other laws, except mandatory constitutional requirements, pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and expenditures of public funds; and

Still Further, I hereby urge the governing bodies and executive officers of all political subdivisions that may be affected by this emergency to act as necessary to meet the current exigencies as legally authorized under this proclamation, including by the employment of temporary workers; by the rental of equipment; and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those time-consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.

Given under my hand and the Seal
of the Governor, at the City of Har-
risburg, this twenty-sixth day of
October in the year of our Lord two
thousand twelve, and of the Com-
monwealth the two hundred and
thirty-seventh.

A handwritten signature in black ink, reading "Tom Corbett". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

TOM CORBETT
Governor

[Pa.B. Doc. No. 12-2135. Filed for public inspection November 2, 2012, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CHS. 87, 89, 91 AND 93]

Amendments to Rules of Organization and Procedure of the Disciplinary Board of the Supreme Court of Pennsylvania; Order No. 74

The Rules of Organization and Procedure of the Board have been drafted to restate in full the substance of the Pennsylvania Rules of Disciplinary Enforcement. By Order dated June 4, 2012, the Supreme Court of Pennsylvania amended Pa.R.D.E. 204, 205, 212, 216, 217, 218 and 219, respectively. By this Order, the Board is making conforming changes to its Rules to reflect the adoption of those amendments. This order also makes some minor corrections, such as changing the term Chairman to Chair or chairperson in some cases.

The Disciplinary Board of the Supreme Court of Pennsylvania finds that:

(1) To the extent that 42 Pa.C.S. § 1702 (relating to rule making procedures) and Article II of the act of July 31, 1968 (P.L. 769, No. 240), known as the Commonwealth Documents Law, would otherwise require notice of proposed rulemaking with respect to the amendments adopted hereby, those proposed rulemaking procedures are inapplicable because the amendments adopted hereby relate to agency procedure and are perfunctory in nature.

(2) The amendments to the Rules of Organization and Procedure of the Board adopted hereby are not inconsistent with the Pennsylvania Rules of Disciplinary Enforcement and are necessary and appropriate for the administration of the affairs of the Board.

The Board, acting pursuant to Pa.R.D.E. 205(c)(12), orders:

(1) Title 204 of the *Pennsylvania Code* is hereby amended as set forth in Annex A hereto.

(2) The Secretary of the Board shall duly certify this Order, and deposit the same with the Administrative Office of Pennsylvania Courts as required by Pa.R.J.A. 103(c).

(3) The amendments adopted hereby shall take effect upon publication in the *Pennsylvania Bulletin*.

(4) This Order shall take effect immediately.

*By The Disciplinary Board of the
Supreme Court of Pennsylvania*

ELAINE M. BIXLER,
Secretary

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

CHAPTER 87. INVESTIGATIONS AND INFORMAL PROCEEDINGS

Subchapter B. REVIEW OF RECOMMENDED DISPOSITION OF COMPLAINT

§ 87.33. Appeal by Office of Disciplinary Counsel from modification of recommendation.

* * * * *

(c) *Action by Board.* The Office of the Secretary shall transmit the Form DB-8 and related file to a panel of three members of the Board designated by the [**Chairman**] **Chair**, who shall consider the appeal and, as provided by Enforcement Rule 208(a)(4), order that the matter be concluded by dismissal, conditional or unconditional informal admonition, conditional or unconditional private reprimand, or conditional or unconditional public reprimand, or direct that a formal proceeding be instituted before a hearing committee or special master in the appropriate disciplinary district.

* * * * *

§ 87.34. Review of recommendation of private reprimand or public reprimand.

* * * * *

(b) *Procedure.* Where a recommendation by a reviewing hearing committee member for a conditional or unconditional private or public reprimand is not appealed by Disciplinary Counsel, the Office of the Secretary shall transmit the file to a panel of three members of the Board designated by the [**Chairman**] **Chair**, who shall consider the matter and, as provided by Enforcement Rule 208(a)(5), approve or modify the recommendation for private or public reprimand.

* * * * *

CHAPTER 89. FORMAL PROCEEDINGS

Subchapter A. PRELIMINARY PROVISIONS

GENERAL MATTERS

§ 89.7. Continuances.

* * * * *

(b) *Notice to other tribunals.* Upon receipt of notice fixing a date in connection with a formal proceeding (including a hearing date before a hearing committee or special master or oral argument before the Board) or the date of a meeting of the Board, any involved person within 48 hours thereafter shall deliver written notice (which shall not identify the respondent-attorney) of the fixing of such date to the clerk, prothonotary, court administrator, [**chairman**] **chairperson** or other appropriate administrative officer of any court, administrative agency or other body with which a conflict might

reasonably arise, and shall file a copy of such notice with the Office of the Secretary.

* * * * *

AMENDMENT OR WITHDRAWAL OF PLEADINGS

§ 89.31. Amendments of pleadings.

No amendment of any petition for discipline or other pleading may be made except on leave granted by the Board [**Chairman**] **Chair** or the hearing committee or special master before which the matter is then pending.

§ 89.32. Withdrawal of petition for discipline.

* * * * *

(b) *Action by Board.* The [**office**] **Office** of the Secretary shall transmit the Form DB-44, any answer thereto, and related file to a member of the Board designated by the [**chairman**] **Chair**, who shall consider and act upon the application on behalf of the Board. The Office of the Secretary shall notify the parties of the action taken by the Board.

Subchapter D. ACTION BY BOARD AND SUPREME COURT

§ 89.201. Review by Board.

(a) *General rule.* Upon receipt of a report and recommendation from a hearing committee or special master, the Board shall, except as otherwise provided in this rule, set the dates for submission of briefs and for oral argument before the Board or a panel of at least three of its members designated by the [**Chairman**] **Chair**.

* * * * *

(d) *Procedure to except to report of hearing committee or special master.* Any participant desiring to object to the findings and recommendations of a hearing committee or special master shall, within 20 days after the service of a copy of a report or such other time as may be fixed by the Board [**Chairman**] **Chair**, file exceptions to the report or part thereof in a brief (designated "brief on exceptions"). "Briefs opposing exceptions" may be filed in response to briefs on exceptions within 20 days after the filing of briefs on exceptions or such other time as may be fixed by the Board [**Chairman**] **Chair**. No further response will be entertained unless the Board, with or without motion, so orders.

* * * * *

§ 89.202. Content and form of briefs on exceptions.

* * * * *

(c) *Length.* Briefs on exceptions and briefs opposing exceptions shall be [**self contained**] **self-contained** and limited to 30 pages in length, except that for good cause the limitation on length may be altered or waived for either class of briefs upon application to and order of the Board [**Chairman**] **Chair** at least ten days before the time fixed for filing of the respective briefs.

* * * * *

§ 89.206. Transmission of record to Supreme Court.

* * * * *

(b) *Procedure.* The Board [**Chairman**] **Chair** shall file the record, the briefs on exceptions and the briefs opposing exceptions, if any, the finding and recommendations of the Board, and a statement of the Secretary of any expenses taxable under § 93.111 (relating to determination of reimbursable expenses) with the Supreme Court

by means of Form DB-13 (Request for Supreme Court Action) and an appropriate letter of transmittal. Copies of such finding and recommendations, statement of taxable expenses, and letter of transmittal shall be served by the Office of the Secretary upon the participants.

Subchapter F. REINSTATEMENT AND RESUMPTION OF PRACTICE

REINSTATEMENT OF FORMERLY ADMITTED ATTORNEYS

§ 89.271. Reinstatement only by Court order.

Enforcement Rule 218(a) provides that an attorney may not resume practice until reinstated by order of the Supreme Court after petition pursuant to Rule 218 if the attorney was:

(1) suspended for a period exceeding one year;

(2) retired, on inactive status or on administrative suspension [**for more than**] **if the formerly admitted attorney has not been on active status at any time within the past three years;**

* * * * *

§ 89.273. Procedures for reinstatement.

(a) Enforcement Rule 218(c) provides that the procedure for petitioning for reinstatement from suspension for a period exceeding one year or disbarment is as follows:

* * * * *

(3) The hearing committee shall promptly schedule a hearing at which a disbarred or suspended attorney shall have the burden of demonstrating by clear and convincing evidence that such person has the moral qualifications, competency and learning in law required for admission to practice law in this Commonwealth and that the resumption of the practice of law within the Commonwealth by such person will be neither detrimental to the integrity and standing of the bar or the administration of justice nor subversive of the public interest. When the petitioner-attorney is seeking reinstatement from disbarment, the threshold inquiry articulated in *Office of Disciplinary Counsel v. Keller*, 509 Pa. 573, 579, 506 A.2d 872, 875 (1986) and its progeny applies.

Official Note: The requirement that a hearing be scheduled "promptly" means that a hearing should ordinarily be held within 60 days after the petition for reinstatement has been filed with the Board and the response from Disciplinary Counsel has been received, unless the [**chairman**] **chair** of the hearing committee extends that time for good cause shown.

* * * * *

(b) Enforcement Rule 218(d) provides that the procedure for petitioning for reinstatement from retired status for more than three years[,]; inactive status for more than three years [**or**]; administrative suspension for more than three years[,]; **retired status, inactive status or administrative suspension if the formerly admitted attorney has not been on active status at any time within the past three years;** or after transfer to inactive status as a result of the sale of a law practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct, is as follows:

* * * * *

(d) *Attorneys suspended for less than one year.* Enforcement Rule 218(g) provides that:

(1) Upon the expiration of any term of suspension not exceeding one year and upon the filing thereafter by the formerly admitted attorney with the Board of a verified statement showing compliance with all the terms and conditions of the order of suspension and of Chapter 91 Subchapter E (relating to formerly admitted attorneys), the Board shall certify such fact to the Supreme Court, which shall immediately enter an order reinstating the formerly admitted attorney to active status, unless such person is subject to another outstanding order of suspension or disbarment.

(2) Paragraph (1) of this subsection shall not be applicable and a formerly admitted attorney shall be subject instead to the other provisions of this rule requiring the filing of a petition for reinstatement, if:

(i) other formal **[disciplinary] disciplinary** proceedings are then pending or have been authorized against the formerly admitted attorney;

(ii) the formerly admitted attorney has been on **retired status**, inactive status or administrative suspension for more than three years; **[or]**

(iii) **the formerly admitted attorney has not been on active status for more than three years due to a combination of retired status, inactive status, administrative suspension and/or a term of suspension not exceeding one year and had not been on active status at any time within the three-year period preceding the entry of the order; or**

(iv) the order of suspension has been in effect for more than three years.

(3) A verified statement may not be filed under paragraph (1) until the formerly admitted attorney has paid in full any costs taxed under § 89.209 (relating to expenses of formal proceedings) and has made any required restitution to the Lawyers Fund for Client Security under Enforcement Rule 531 (relating to restitution a condition for reinstatement).

(e) *Attorneys on inactive status, retired status or administrative suspension for three years or less.* Enforcement Rule 218(h) provides that attorneys who have been on inactive status, retired status or administrative suspension for three years or less may be reinstated **to the roll of those classified as active** pursuant to § 93.145 (relating to **reinstatement of** administratively suspended attorneys), § 93.146 (relating to **[voluntarily] resumption of active status by** retired or inactive attorneys), and § 93.112(c) (relating to reinstatement upon payment of taxed costs), as **[applicable] appropriate**. This subsection (e) does not apply to **[any]**:

(1) **a formerly admitted attorney who, on the date of the filing of the request for reinstatement, had not been on active status at any time within the preceding three years; or**

(2) **an attorney who has sold his or her practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct.**

RESUMPTION OF PRACTICE

§ 89.285. **Resumption of practice by justices and judges.**

* * * * *

(b) *Notice.* Enforcement Rule 219(n) further provides that the notice shall:

* * * * *

(iii) be accompanied by payment of the full annual fee for the **[assessment] registration** year in which the notice is filed.

CHAPTER 91. MISCELLANEOUS MATTERS

Subchapter A. SERVICE, SUBPOENAS, DEPOSITIONS AND RELATED MATTERS

IN GENERAL

§ 91.1. Substituted service.

Enforcement Rule 212 provides that in the event a respondent-attorney cannot be located and personally served with notices required under the Enforcement Rules and these rules, such notices may be served upon the respondent-attorney by addressing them to the address furnished in the last registration statement filed by the respondent-attorney in accordance with § 93.142(b) (relating to filing of annual **[statement] fee form** by attorneys) or, in the case of foreign legal consultant, by serving them pursuant to the designation filed by the foreign legal consultant under Pennsylvania Bar Admission Rule 341(b)(8) (relating to licensing of foreign legal consultants).

Subchapter B. ATTORNEYS CONVICTED OF CRIMES

§ 91.37. Definition of "crime."

As Enforcement Rule 214(h) provides and as used in this Subchapter 91B, the term "crime" means **[a crime] an offense** that is punishable by imprisonment in the jurisdiction of conviction, whether or not a sentence of imprisonment is actually imposed. It does not include parking violations or summary offenses, both traffic and non-traffic, unless a term of imprisonment is actually imposed.

Subchapter C. RECIPROCAL DISCIPLINE AND DISABILITY

§ 91.51. Reciprocal discipline and disability.

Enforcement Rule 216 provides as follows:

(1) Upon receipt of a certified copy of a final adjudication of any court or any body authorized by law or by rule of court to conduct disciplinary proceedings against attorneys by any state or territory of the United States or of the District of Columbia, a United States court, or **[government] a federal** administrative agency or a military tribunal demonstrating that an attorney admitted to practice in this Commonwealth has been disciplined by suspension, disbarment, revocation of license or pro hac vice admission, or has resigned from the bar or otherwise **[relinquished] relinquished** his or her license to practice while under disciplinary investigation in another jurisdiction or has been transferred to disability inactive status, the Supreme Court shall forthwith issue a notice (Form DB-19) (Notice of Reciprocal Discipline) directed to the respondent-attorney containing:

(i) A copy of the final adjudication described in **[paragraph (a)] subdivision (1).**

(ii) An order directing that the respondent-attorney inform the Court within 30 days from service of the notice, of any claim by the respondent-attorney that the imposition of the identical or comparable discipline or disability inactive status in the Commonwealth would be unwarranted, and the reasons therefor. The Office of the Secretary shall cause this notice to be served upon the respondent-attorney by mailing it to the address furnished by the respondent-attorney in the last registration

statement filed by such person in accordance with § 93.142(b) (relating to filing of annual **fee** form by attorneys) or, in the case of a foreign legal consultant, by serving it pursuant to the designation filed by the foreign legal consultant under Pennsylvania Bar Admission Rule 341(b)(8) (relating to licensing of foreign legal consultants).

* * * * *

Subchapter G. EMERGENCY PROCEEDINGS

§ 91.151. Emergency temporary suspension orders and related relief.

* * * * *

(e) *Contempt of the Board.* Enforcement Rule 208(f)(5) provides that:

* * * * *

(3) if the response to the rule to show cause raises issues of fact, the [**Chairman**] **Chair** of the Board may direct that a hearing be held before a member of the Board who shall submit a report to the Board upon the conclusion of the hearing;

* * * * *

CHAPTER 93. ORGANIZATION AND ADMINISTRATION

Subchapter G. FINANCIAL MATTERS

EXPENSES GENERALLY

§ 93.121. Expenses.

(a) *General.* Enforcement Rule 401 provides that the salaries of the staff of the Office of the Secretary and of the Office of Disciplinary Counsel, their expenses, administrative costs, and the expenses of the members of the Board and of hearing committees shall be paid by the Board out of the funds collected under the provisions of §§ [**93.141—93.147**] **93.141—93.148** (relating to annual [**assessment**] **registration** of attorneys).

(b) *Special masters.* Enforcement Rule 205(c)(4) provides that the expenses and compensation of special masters shall be paid as a cost of disciplinary administration and enforcement. See § 93.141(a) (relating to annual [**assessment**] **registration**).

ANNUAL [**ASSESSMENT**] **REGISTRATION** OF ATTORNEYS

§ 93.141. Annual [**assessment**] **registration**.

(a) *General rule.* Enforcement Rule 219(a) provides that every attorney admitted to practice law in this Commonwealth shall pay an annual fee [**under such rule of \$135.00**] of \$130.00 and file the annual fee form provided for under such rule; that the [**annual**] fee shall be collected under the supervision of the Attorney Registration Office, which shall send [**and receive,**] or cause to be sent [**and received, the notices and forms provided for in this Subchapter,**] to every attorney, except an attorney who has elected to file the form electronically, the annual fee form; that the Attorney Registration Office shall transmit to those attorneys who have elected to file the form electronically a notice by e-mail to register by July 1; that failure to receive the annual fee form by mail or electronically shall not excuse payment of the fee; and that the fee shall be used to defray the costs of disciplinary administration and en-

forcement under the Enforcement Rules, and for such other purposes as the Board shall, with the approval of the Supreme Court, from time to time determine.

* * * * *

§ 93.142. Filing of annual **fee** form by attorneys.

(a) *Transmission of form.* Enforcement Rule 219(c) provides that on or before May 15 of each year the Attorney Registration Office shall transmit [**by ordinary mail to all persons**] to all attorneys required by the rule to pay an annual fee, except those attorneys who have elected electronic filing, a form required by subsection (b) of this section; and that on or before May 15 of each year subsequent to the year in which an attorney elects electronic filing, the Attorney Registration Office shall transmit to such attorney a notice by e-mail to register by July 1.

(b) *Filing of annual **fee** form.* Enforcement Rule 219(d) provides that on or before July 1 of each year all [**persons**] attorneys required by the rule to pay an annual fee shall file with the Attorney Registration Office a signed or electronically endorsed form prescribed by the Attorney Registration Office in accordance with the following procedures:

(1) The form shall set forth:

(i) The date on which the attorney was admitted to practice, licensed as foreign legal consultant, granted limited admission as an attorney participant in defender and legal services programs pursuant to Pa.B.A.R. 311, or issued a Limited In-House Corporate Counsel License, and a list of all courts (except courts of this Commonwealth) and jurisdictions in which the person has ever been license' to practice law, with the current status thereof.

(ii) The current residence and office addresses of the attorney, each of which shall be an actual street address or rural route box number, and the Attorney Registration Office shall refuse to accept a form that sets forth only a post office box number for either required address. A preferred mailing address different from those addresses may also be provided on the form and may be a post office box number. The attorney shall indicate which of the addresses, the residence, office or mailing address, as well as telephone and fax number will be accessible through the website of the Board (<http://www.padisiplinaryboard.org/>) and by written or oral request to the Board. Upon an attorney's written request submitted to the Attorney Registration Office and for good cause shown, the contact information provided by the attorney will be nonpublic information and will not be published on the Board's website or otherwise disclosed.

Official Note: The Note to Enforcement Rule 219(d)(1)(ii) explains that public web docket sheets will show the attorney's address as entered on the court docket.

(iii) The name of each financial institution in Pennsylvania in which the attorney on May 1 of the current year or at any time during the preceding 12 months held funds of a client or a third person subject to Rule 1.15 of the Pennsylvania Rules of Professional Conduct. The form shall include the name and account number for each account in which the lawyer holds such funds, and each IOLTA Account shall be identified as such. The form provided to a person holding a Limited In-House Corporate Counsel License or a Foreign Legal Consultant License need not request the information required by this subparagraph.

(iv) A certification reading as follows: "I certify that all Trust Accounts that I maintain are in financial institutions approved by the Supreme Court of Pennsylvania for the maintenance of such accounts pursuant to Pennsylvania Rule of Disciplinary Enforcement 221 (relating to mandatory overdraft notification) and that each Trust Account has been identified as such to the financial institution in which it is maintained."

(v) A statement that any action brought against the attorney by the Pennsylvania Lawyers Fund for Client Security for the recovery of monies paid by the Fund as a result of claims against the attorney may be brought in the Court of Common Pleas of Allegheny, Dauphin or Philadelphia County.

(vi) Whether the attorney is covered by professional liability insurance on the date of registration in the minimum amounts required by Rule of Professional Conduct 1.4(c). Rule 1.4(c) does not apply to attorneys who do not have any private clients, such as attorneys in full-time government practice or employed as in-house corporate counsel.

Official Note: The Disciplinary Board will make the information regarding insurance available to the public upon written or oral request and on its website. The requirement of Rule 219(d)(3) that every attorney who has filed an annual [**registration form**] **fee form or elects to file the form electronically** must notify the Attorney Registration Office [**in writing**] of any change in the information previously submitted within 30 days after such change will apply to the information regarding insurance.

(vii) Such other information as the Attorney Registration Office may from time to time direct.

(2) Payment of the annual fee shall accompany the form. [**Where**] **IOLTA, trust, escrow and other fiduciary account checks tendered in payment of the annual fee will not be accepted. If the form and payment are incomplete or if a check in payment of the annual fee has been returned to the Board unpaid, the annual fee shall not be deemed to have been paid until a collection fee, and one or both of the late payment penalties prescribed in § 93.144(a)(1) and (2) of these rules if assessed, shall also have been paid.** The amount of the collection fee shall be established by the Board annually after giving due regard to the direct and indirect costs incurred by the Board during the preceding year for checks returned to the Board unpaid. On or before July 1 of each year the Office of the Secretary shall publish in the *Pennsylvania Bulletin* a notice of the collection fee established by the Board for the coming [**assessment**] **registration** year.

(3) Every [**person**] **attorney** who has filed [**such a form**] **the form or elects to file the form electronically** shall notify the Attorney Registration Office [**in writing**] of any change in the information previously submitted, **including e-mail address**, within 30 days after such change.

(4) Upon original admission to the bar of this Commonwealth, licensure as a Foreign Legal Consultant, issuance of a Limited In-House Corporate Counsel License, or limited admission as an attorney participant in defender and legal services programs pursuant to Pa.B.A.R. 311, a person shall concurrently file a form under this [**subsection**] **section** for the current [**assessment**] **registra-**

tion year, but no annual fee shall be payable for the [**assessment**] **registration** year in which originally admitted or licensed.

§ 93.144. Administrative suspension for failure to comply.

(a) *Action by Attorney Registration Office.* Enforcement Rule 219(f) [**and (g) provide that**] **provides that when any attorney fails to complete the registration required by §§ 93.141 and 93.142 by July 31, the Attorney Registration Office shall:**

[(1) **Transmit by ordinary mail to every attorney who fails to timely file the form and pay the annual fee required by this subchapter, addressed to the last known mailing address of the attorney, a notice stating:**

(i) **That unless the attorney shall comply with the requirements of § 93.142 (relating to filing of annual form by attorneys) within 30 days after the date of the notice, such failure to comply will be deemed a request to be administratively suspended, and at the end of such period the name of the attorney will be certified to the Supreme Court, which will enter an order administratively suspending the attorney.**

(ii) **That upon the entry of the order of administrative suspension, the attorney shall comply with Chapter 91 Subchapter E (relating to formerly admitted attorneys), and that a copy of Enforcement Rule 217 (relating to formerly admitted attorneys) shall be enclosed with the notice.**

(2) **Certify to the Supreme Court the name of every attorney who has failed to respond to a notice issued pursuant to paragraph (a)(1) within the 30 day period provided therein, and supply a copy of such certification to the Board.]**

(1) **automatically assess against the attorney a non-waivable late payment penalty established by the Board;**

(2) **automatically add to the delinquent account of any attorney who has failed to complete registration by August 31, a second, non-waivable late payment penalty established by the Board;**

(3) **after August 31, certify to the Supreme Court the name of every attorney who has failed to comply with the registration and payment requirements of §§ 93.141 and 93.142 of these rules; and**

(4) **upon the Supreme Court's entry of an order of administrative suspension as provided in subsection (b) of this rule, transmit by certified mail, addressed to the last known mailing address of the attorney, or by electronic means, the order of administrative suspension and a notice that the attorney shall comply with Enforcement Rule 217 (relating to formerly admitted attorneys), a copy of which shall be included with the notice.**

For purposes of assessing the late payment penalties prescribed by this section, registration shall not be deemed to be complete until the Attorney Registration Office receives a completed annual fee form and satisfactory payment of the annual fee and of all outstanding collection fees and late payment penalties. If a check in payment of the delinquency has been returned to the Board unpaid, a collection fee, as established by the Board under § 93.142(b)(2) of these rules, shall be added to

the attorney's delinquent account and registration shall not be deemed to be complete until the delinquent account has been paid in full.

The amount of the late payment penalties shall be established by the Board annually pursuant to the provisions of § 93.145(b) of these rules.

(b) *Action by the Supreme Court.* Enforcement Rule [219(g)] 219(f) provides that upon receipt of certification [to the Supreme Court] of the name of any attorney pursuant to paragraph [(a)(2)] (a)(3) of this section, the Supreme Court shall enter an order administratively suspending the attorney; and that the Chief Justice may delegate the processing and entry of orders under this subsection to the Prothonotary.

§ 93.145. Reinstatement of administratively suspended attorneys.

(a) *General rule.* Enforcement Rule 219(h) provides that the procedure for reinstatement of an attorney who has been administratively suspended pursuant to § 93.144(b) of these rules for three years or less [pursuant to the provisions of § 93.144(b)] is as follows:

(1) The formerly admitted attorney shall submit to the Attorney Registration Office the form required by § 93.142(b) along with payment of:

- (i) the current annual fee;
- (ii) the annual fee that was due in the year in which the attorney was administratively suspended;
- (iii) the late payment [penalty] penalties required by [paragraph] subsection (b) of this section;
- (iv) any unpaid collection fee; and
- (v) a reinstatement fee of \$300.00.

(2) Upon receipt of the annual fee form, a verified statement showing compliance with Enforcement Rule 217 (relating to formerly admitted attorneys), and the payments required by paragraph (a)(1) of this section, the Attorney Registration Office shall so certify to the Board Secretary and to the Supreme Court; and that unless the formerly admitted attorney is subject to another outstanding order of suspension or disbarment or the order has been in effect for more than three years, the filing of the certification from the Attorney Registration Office with the Prothonotary of the Supreme Court shall operate as an order reinstating the person to active status.

(3) Where a check in payment of the fees and late payment penalties has been returned to the Board unpaid, the Attorney Registration Office shall immediately return the attorney to administrative suspension, and the arrears shall not be deemed to have been paid until a collection fee, as established by the Board under § 93.142(b)(2) of these rules, shall also have been paid.

(b) *Late payment [penalty] penalties.* Enforcement Rule 219(h)(3) provides that a formerly admitted attorney who is administratively suspended [pursuant to § 93.142(b) must pay a] must pay the late payment [penalty with respect to that year] penalties incurred in the year in which the formerly admitted attorney is transferred to administrative suspension. The amount of the late payment [penalty] penalties shall be established by the Board annually after giving due regard to such factors as it considers relevant,

including the direct and indirect costs incurred by the Board during the preceding year in processing the records of attorneys who fail to timely file the form required by § 93.142(b). On or before July 1 of each year the Office of the Secretary shall publish in the *Pennsylvania Bulletin* a notice of the late payment penalty established by the Board for the coming [assessment] registration year.

§ 93.146. [Voluntarily] Selection of retired or inactive [attorneys] status and resumption of active status.

(a) *Retired Status.* Enforcement Rule 219(i) provides that:

* * * * *

(3) The retired attorney will be relieved from the payment of the fee specified in § 93.141 (relating to annual [assessment] registration).

* * * * *

(b) *Inactive Status.* Enforcement Rule 219(j) provides that:

(1) An attorney who is not engaged in practice in Pennsylvania, has sold his or her practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct, or is not required by virtue of his or her practice elsewhere to maintain active licensure in the Commonwealth may request [voluntary] inactive status or continue that status once assumed. The attorney shall file either the annual form required by § 93.142(b) and request [voluntary] inactive status or file Form DB-28 (Notice of Voluntary Assumption of Inactive Status). The attorney shall be removed from the roll of those classified as active until and unless such [person files Form DB-29 (Application for Resumption of Active Status) and is granted reinstatement to the active rolls] inactive attorney makes a request under paragraph (3) of this section for an administrative return to active status and satisfies all conditions precedent to the grant of such request; or files a petition for reinstatement under § 89.273(b) (relating to procedure for reinstatement of an attorney who has been on inactive status for more than three years, or who is on inactive status and had not been on active status at any time within the prior three years) and is granted reinstatement pursuant to the provisions of § 89.273(b) of these rules.

(2) An inactive attorney under this subsection (b) shall continue to file the annual form required by § 93.142(b) and shall pay an annual fee of \$70.00. Noncompliance with this provision will result in the inactive attorney incurring late payment penalties, incurring a collection fee for any check in payment that has been returned to the Board unpaid, and being placed on administrative suspension [after the Attorney Registration Office provides notice] in accordance with the provisions of § 93.144. [An attorney who voluntarily assumed inactive status under former subsection (a) of this rule shall continue to file the annual form and pay an annual fee of \$70.00 commencing with the next regular assessment year. Noncompliance with this paragraph will result in the inactive attorney being placed on administrative suspension after notice in accordance with the provisions of § 93.144(a)(1).]

(3) Reinstatement shall be granted, unless the inactive attorney is subject to an outstanding order of suspension or disbarment or unless the inactive

status has been in effect for more than three years, upon the payment of the active fee for the assessment year in which the Form DB-29 (Application for Resumption of Active Status) is filed or the difference between the active fee and the inactive fee that has been paid for that year, and any arrears accumulated prior to the assumption of inactive status. See § 93.145(b) (relating to late payment penalty).

(4) In transmitting the annual fee form under subsection (a) of § 93.142, the Attorney Registration Office shall include a notice of subdivision (j) of Enforcement Rule 219 (relating to request for voluntary inactive status).

Official Note: Under prior practice, an attorney who was neither retiring nor selling his or her law practice was given the option of assuming or continuing inactive status and ceasing the practice of law in Pennsylvania, and no annual fee was required. Under new paragraph (b)(2) of this section, payment of an annual fee is required to assume and continue inactive status, and failure to pay the annual fee required by § 93.146(b)(2) and file the form required by § 93.142(b) (relating to filing of annual form by attorneys) will result in an order administratively suspending the attorney.]

(3) **Administrative Change in Status from Inactive Status to Active Status:** An attorney on inactive status may request resumption of active status by filing Form DB-29 (Application for Resumption of Active Status) with the Attorney Registration Office. Resumption of active status shall be granted unless the inactive attorney is subject to an outstanding order of suspension or disbarment, unless the inactive attorney has sold his or her practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct (see § 89.273(b)), unless the inactive status has been in effect for more than three years, or unless the inactive attorney had not been on active status at any time within the preceding three years (see § 89.273(b)), upon the payment of:

(i) the active fee for the registration year in which the application for resumption of active status is made or the difference between the active fee and the inactive fee that has been paid for that year; and

(ii) any collection fee or late payment penalty that may have been assessed pursuant to § 93.144 of these rules, prior to the inactive attorney's request for resumption of active status.

Where a check in payment of the fees and penalties has been returned to the Board unpaid, the Attorney Registration Office shall immediately return the attorney to inactive status, and the arrears shall not be deemed to have been paid until a collection fee, as established by the Board under § 93.142(b)(2), shall also have been paid.

Official Note: The Note to Enforcement Rule 219(j) explains that § 93.145 (relating to reinstatement of administratively suspended attorneys) and § 93.146 (relating to resumption of active status by retired or inactive attorneys) do not apply if, on the date of the filing of the request for reinstatement, the formerly admitted attorney has not been on active status at any time within the preceding three years. See § 89.273(e)(1).

§ 93.147. Notification of suspension or inactivation.

Where administrative suspension is ordered under this Subchapter, the attorney shall comply with the requirements of Chapter 91 [of] Subchapter E (relating to formerly admitted attorneys). Public notice of such administrative suspension shall clearly state that suspension was ordered for failure to file the required annual form and pay the required annual [assessment] fee, or for failure to comply with § 93.112 (relating to failure to pay taxed expenses).

§ 93.148. [(Reserved)] Administrative Change in Status from Administrative Suspension to Inactive Status.

(a) Enforcement Rule 219(k) provides that an inactive attorney who has been administratively suspended for failure to file the annual form and pay the annual fee required by § 93.146(b)(2) of these rules, may request an administrative change in status to inactive status. The Attorney Registration Office shall change the status of an attorney eligible for inactive status under this subsection (a) upon receipt of:

(1) the annual form required by § 93.142 of these rules;

(2) payment of the annual fee required by § 93.141 of these rules;

(3) payment of all collection fees and late payment penalties assessed under § 93.142(b)(2) and § 93.144 of these rules; and

(4) payment of an administrative processing fee of \$100.00.

Where a check in payment of the fees and penalties has been returned to the Board unpaid, the Attorney Registration Office shall immediately return the attorney to administrative suspension, and the arrears shall not be deemed to have been paid until a collection fee, as established by the Board under § 93.142(b)(2), shall also have been paid.

(b) Enforcement Rule 219(k) provides that an active attorney who has been administratively suspended for failure to file the annual form required by § 93.142 and pay the annual fee required by § 93.141 must comply with § 93.145 (relating to reinstatement of administratively suspended attorneys) before becoming eligible to register as inactive or retired.

(Editor's Note: The following is numbered in the *Pennsylvania Code* as § 93.148. The Disciplinary Board of the Supreme Court of Pennsylvania intended this rule to be § 93.149. It is being renumbered as follows.)

[§ 93.148. Grace period] § 93.149. (Reserved).

[Enforcement Rule 219(k) provides that on the effective date of that Rule, any attorney who is on inactive status:

(a) by order after having failed to pay the annual fee or file the form required by subdivisions (a) and (d) of Rule 219,

(b) by order pursuant to Rule 111(b), Pa.R.C.L.E., after having failed to satisfy the requirements of the Pennsylvania Rules for Continuing Legal Education,

(c) by order after having failed to pay any expenses taxed pursuant to Enforcement Rule 208(g), or

(d) by order after having failed to meet the requirements for maintaining a limited law license as a Limited In-House Corporate Counsel, a foreign legal consultant, an attorney participant in defender legal services programs pursuant to Pa.B.A.R. 311, or a military attorney,

shall have a grace period of one year, commencing on July 1 of the year in which the next annual form under § 93.142(b) is due, in which to request reinstatement to active status under an applicable provision of Rule 219, or to be reinstated to active status under Rule 218(a), as the case may be. Failure to achieve active status before the expiration of the grace period shall be deemed a request to be administratively suspended. An attorney who is on inactive status by court order will not be eligible to transfer to voluntary inactive status under § 93.146(b) until the attorney first achieves active status. During the grace period, the inactive attorney shall remain ineligible to practice law. In transmitting the annual form under § 93.142(a), the Attorney Registration Office shall include a notice of Enforcement Rule 219(k).

Official Note: Attorneys who voluntarily assumed inactive status under former § 93.146(a) are governed by the provisions of § 93.146(b). Attorneys who were transferred to inactive status by order after having failed to pay any expenses taxed pursuant to § 93.112 are governed by the provisions of that section.]

[Pa.B. Doc. No. 12-2136. Filed for public inspection November 2, 2012, 9:00 a.m.]

Title 225—RULES OF EVIDENCE

[225 PA. CODE ART. VIII]

Proposed Amendment of Rule of Evidence 803.1(1)

The Committee on Rules of Evidence is publishing for comment a proposal to amend Rule of Evidence 803.1(1), as more fully discussed in the accompanying Report. This proposal has not been submitted to the Supreme Court of Pennsylvania for review.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel:

Daniel A. Durst, Chief Counsel
Supreme Court of Pennsylvania
Committee on Rules of Evidence
Pennsylvania Judicial Center
601 Commonwealth Ave., Suite 6200
P. O. Box 62635
Harrisburg, PA 17106-2635
Fax: (717) 231-9536
Email: evidencerules@pacourts.us

no later than January 2, 2013.

By the Committee on Rules of Evidence

CHRISTOPHER H. CONNORS, Esq.,
Chair

Annex A

TITLE 225. RULES OF EVIDENCE

ARTICLE VIII. HEARSAY

Rule 803.1. Hearsay Exceptions; Testimony of Declarant Necessary.

The following statements, as hereinafter defined, are not excluded by the hearsay rule if the declarant testifies at the trial or hearing and is subject to cross-examination concerning the statement:

(1) Inconsistent Statement of Witness. A statement by declarant that is inconsistent with the declarant's testimony **or concerns a matter the declarant cannot recall**, and (a) was given under oath subject to the penalty of perjury at a trial, hearing, or other proceeding, or in a deposition, or (b) is a writing signed and adopted by the declarant, or (c) is a verbatim contemporaneous recording of an oral statement.

* * * * *

Comment

* * * * *

Pa.R.E. 803.1(1) is consistent with prior Pennsylvania case law. *See Commonwealth v. Brady*, 510 Pa. 123, 507 A.2d 66 ([Pa.] 1986) (seminal case that overruled close to two centuries of decisional law in Pennsylvania and held that the recorded statement of a witness to a murder, inconsistent with her testimony at trial, was properly admitted as substantive evidence, excepted to the hearsay rule); *Commonwealth v. Lively*, 530 Pa. 464, 610 A.2d 7 ([Pa.] 1992). To qualify as a "verbatim contemporaneous recording of an oral statement," the "recording" must be an electronic, audiotaped, or videotaped recording. *See Commonwealth v. Wilson*, 550 Pa. 518, 707 A.2d 1114 ([Pa.] 1998). Inconsistent statements of a witness that do not qualify as exceptions to the hearsay rule may still be introduced to impeach the credibility of the witness. *See* Pa.R.E. 613.

* * * * *

REPORT

Proposed Amendment of Rule of Evidence 803.1(1)

Courts have struggled in criminal cases with the turncoat or intimidated witness—a witness who, at the trial, testifies inconsistently with his or her prior statement or who testifies that he or she cannot remember the matters contained in a prior statement given under reliable and trustworthy circumstances. *See also* 42 Pa. B. 4131, 4153 (July 7, 2012) (Criminal Procedural Rules Committee Report discussing reported witness intimidation in the First Judicial District); *Free to Tell The Truth—Preventing and Combating Intimidation in Court: A Bench Book for Pennsylvania Judges*, (Harrisburg, Pennsylvania: Pennsylvania Commission on Crime and Delinquency, 2011).

While the current version of Pennsylvania Rule of Evidence 803.1(1) establishes a remedy for witnesses who might be inclined or persuaded to change their testimony from prior statements, the Rule does not explicitly address claims of memory loss. In the absence of such specificity, the bench and bar are required to consider the common law to determine matters of admissibility when a witness asserts a failed recollection of matters contained in prior statements.

In *Commonwealth v. Reid*, 533 Pa. 508, 626 A.2d 118 (1993), a victim of a gunshot gave police three statements

identifying the defendant as the shooter. At trial, the witness-victim denied the defendant was the perpetrator and claimed that he could not remember many of the questions or his answers given in his prior statements. *See also Commonwealth v. Bibbs*, 970 A.2d 440 (Pa. Super. 2009) (citing *Commonwealth v. Sherman*, 488 A.2d 348, 350 (Pa. 1985)) (partial memory loss allows witness' prior inconsistent statements to be admitted as substantive evidence). The Court held that his prior statements were admissible as substantive evidence. *See also Commonwealth v. Burgos*, 530 Pa. 473, 610 A.2d 11, 14 (1992) (quoting *Commonwealth v. Brady*, 510 Pa. 123, 507 A.2d 66 (1986)). Although the corresponding Federal Rule of Evidence, F.R.E. 801(d)(1), is not identical to Pennsylvania Rule of Evidence 803.1(1), some federal courts have adopted a similar approach to claimed memory loss and inconsistent statements. *See, e.g., U.S. v. Dennis*, 625 F.2d 782, 795 (8th Cir. 1980) ("[I]nconsistency is not limited to diametrically opposed answers but may be found in evasive answers, inability to recall, silence, or changes of position."); *U.S. v. Gajo*, 290 F.3d. 922, 930-932 (7th Cir. 2002).

The Committee has endeavored to propose an amendment to Rule 803.1(1) codifying the case law by incorporating claimed memory loss into the inconsistent statement hearsay exception:

Inconsistent Statement of Witness. A statement by declarant that is inconsistent with the declarant's testimony or concerns a matter the declarant cannot recall, and (a) was given under oath subject to the penalty of perjury at a trial, hearing, or other proceeding, or in a deposition, or (b) is a writing signed and adopted by the declarant, or (c) is a verbatim contemporaneous recording of an oral statement.

The Committee acknowledges that some jurisdictions have attempted to parse claimed memory loss into two further categories, which can be described as genuine versus feigned memory loss, with the latter resulting in the admission of the prior statements as inconsistent with present testimony. *See, e.g., U.S. v. Mornan*, 413 F.3d 372, 379 (3d Cir. 2005); *State v. Just*, 675 P.2d 1353, 1365 (Az. Ct. 1984); *Corbett v. State*, 746 A.2d 954, 960-964 (Md. App. 2000). The proposed amendment does not distinguish between feigned and genuine memory loss.

The Court has previously held that hearsay declarations under circumstances such as Rule 803.1(1)(a), (b), and (c) "are demonstrably reliable and trustworthy." *Commonwealth v. Lively*, 530 Pa. 464, 471, 610 A.2d 7, 10 (1992); *see also Commonwealth v. Chmiel*, 558 Pa. 478, 503, 738 A.2d 406, 419 (1999) (describing *Lively* as holding that a prior inconsistent statement of a non-party witness may be used as substantive evidence only if it was given under highly reliable circumstances); *Commonwealth v. Hanible*, ___ Pa. ___, ___ n. 15, 30 A.3d 426, 445 n. 15 (2011) (describing Rule 803.1(1) as mirroring *Lively*).

Further, a witness with a failed recollection is still available to be cross-examined, including "the very fact that he has a bad memory." *U.S. v. Owens*, 484 U.S. 554, 559 (1988) (discussing in terms of the Confrontation Clause that a claimed lack of memory does not deny the opportunity to cross-examine); *Commonwealth v. Mollett*, 5 A.3d 291, 308 (Pa. Super. 2010) (same); *see also Commonwealth v. Brown*, ___ A.3d ___, 2012 WL 3570661 (Pa. 2012) (discussing the availability of the declarant of a prior statement, later recanted at trial, for cross-examination).

The Committee observes that Rule 803.1(3) serves a complementary purpose when the memory of a witness, who cannot independently recall a prior statement, can be refreshed with the prior statement. *See* Pa.R.E. 612. If the witness continues to have insufficient recollection, then the proponent can offer the prior statement as a recorded recollection, provided the witness vouches for the accuracy of the written memorandum. *See* Pa.R.E. 803.1(3); *Commonwealth v. Cargo*, 498 Pa. 5, 10, 444 A.2d 639, 641 (1982). As an aside, it should be noted that Rule 803.1(3) does not distinguish between feigned or genuine memory loss.

The operative effect of proposed Rule 803.1(1) is to permit the admission of certain prior statements (*e.g.*, previously given under oath at a proceeding, signed and adopted by declarant, or a verbatim contemporaneous record) regardless of whether the witness can vouch for their accuracy given the reliability ascribed to the manner of memorialization.

Notwithstanding the inherent reliability of the prior statements, the Committee recognizes that the prior statements would need to be authenticated if the declarant is unwilling or unable to do so as witness. Absent the declarant's testimony, authentication is intended to assure that the prior statement is what the proponent claims. *See, e.g.*, Pa.R.E. 901(a).

Of course, nothing in this Rule is intended to preclude a challenge to a witness' competency to testify because of mental condition or immaturity that has impaired memory. *See* Pa.R.E. 601(b)(3); *see also, e.g., Commonwealth v. Counterman*, 553 Pa. 370, 393, 719 A.2d 284, 295-296 (1998); *Commonwealth v. Boich*, 982 A.2d 102, 109-110 (Pa. Super. 2009).

[Pa.B. Doc. No. 12-2137. Filed for public inspection November 2, 2012, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1000]

Order Rescinding Rule 1042.72 of the Rules of Civil Procedure; No. 567 Civil Procedure Rules Doc.

Order

Per Curiam

And Now, this 17th day of October, 2012, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1042.72 of the Pennsylvania Rules of Civil Procedure is rescinded in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective immediately.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1000. ACTIONS

Subchapter B. ACTION IN TRESPASS

PRE-TRIAL CONFERENCE

Rule 1042.72. [Medical Professional Liability Actions. Motion for Post-Trial Relief. Excessive Damage Award for Noneconomic Loss] (Rescinded).

[(a) In a medical professional liability action in which the trier of fact has made separate findings specifying the amount of noneconomic loss, any defendant may include in a motion for post-trial relief under Rule 227.1 the ground that the damage award for noneconomic loss is excessive.

Official Note: A damage award for noneconomic loss does not include amounts awarded for medical and other related expenses, loss of earnings or earning capacity, or punitive damages.

(b) A damage award is excessive if it deviates substantially from what could be reasonable compensation. In deciding whether the award deviates substantially from what could be considered reasonable compensation, the court shall consider (1) the evidence supporting the plaintiff's claim; (2) factors that should have been taken into account in making the award; and (3) whether the damage award, when assessed against the evidentiary record, strongly suggests that the trier of fact was influenced by passion or prejudice.

Official Note: The defendant has the burden of convincing the court that the award deviates substantially from what could be reasonable compensation.

The factors that the trier of fact should take into account are those set forth in the jury instructions described in Rule 223.3.

(c) If the court finds that the damage award for noneconomic loss is excessive, the court shall remit the award. If the plaintiff declines to accept the award as remitted, the court shall grant a new trial limited to a damage award for noneconomic loss. The verdict or decision as to liability, economic damages, and punitive damages shall not be set aside under this rule.

(d) The court in granting or denying the motion shall issue an opinion which discusses the evidence and the factors taken into account in making its decision.

(e)(1) The court shall enter an order disposing of a motion, or portion thereof, raising the ground of an excessive damage award for noneconomic loss within one hundred twenty days of the filing of the motion.

(2) If an order has not been entered as required by subdivision (e)(1), the judge who is deciding the motion shall immediately file a report with the Court Administrator of Pennsylvania and his or her president judge which explains why the motion, or portion thereof, has not been decided and when a decision is anticipated.

(3) A judgment may not be entered pursuant to Rule 227.4 if a motion for post-trial relief is pending with respect to the ground that the damage award for noneconomic loss is excessive.

(f) This rule shall expire five years from its promulgation date unless continued by order of the Supreme Court.

(g) This rule shall apply to all cases for which a verdict or decision has not been rendered prior to its effective date.]

[Pa.B. Doc. No. 12-2138. Filed for public inspection November 2, 2012, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Adoption of the First Judicial District of Pennsylvania Public Access Policy, Related Forms and Fee Schedule; Administrative Order No. 06 of 2012

Order

And now, this 15th day of October, 2012, upon review, discussion and consideration of the following First Judicial District of Pennsylvania Public Access Policy, related Forms and Fee Schedule, it is hereby *Ordered*, *Adjudged* and *Decreed* that the following First Judicial District of Pennsylvania Public Access Policy, related Forms and Fee Schedule are adopted, officially promulgated, and shall become effective immediately.

From time to time, the Administrative Governing Board may amend and supplement the Public Access Policy, related Forms and Fee Schedule as may be appropriate.

This Administrative Order is issued in accordance with the March 26, 1996 order of the Supreme Court of Pennsylvania, Eastern District, No. 164 Judicial Administration, Docket No. 1, as amended, and shall become effective immediately. This Order and attachments shall be filed with the Prothonotary in a docket maintained for Orders issued by the Administrative Governing Board of the First Judicial District of Pennsylvania. One certified copy of this Order and attachments shall be submitted to the Administrative Office of Pennsylvania Courts, two certified copies and one copy on a computer diskette shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and the Order and attachments shall also be published in *The Legal Intelligencer*. Copies of the Order and attachments shall also be posted on the First Judicial District's website at <http://courts.phila.gov>, and submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

By the Court

HONORABLE JOHN W. HERRON,
Chair, Administrative Governing Board of the
First Judicial District of Pennsylvania
Administrative Judge, Trial Division
Court of Common Pleas, Philadelphia County

**First Judicial District of Pennsylvania
Public Access Policy
Applicable to
Electronic Case Record Information,
Official Case Records, and Financial Records**

Section 1. Definitions.

A. "Access" or "Public Access" means that the public may view or obtain a photocopy of the official court file, or portions thereof, or inspect or obtain electronic records of the courts which comprise the First Judicial District of Pennsylvania (as defined below) except as provided by law, rules of court, or this Policy.

B. "Banner" is the case management system of the following Divisions of the Court of Common Pleas: Trial Division—Civil, Orphans' Court Division, and Family Division—Domestic Relations Branch and Adoptions.

C. "CLAIMS" is the Municipal Court's electronic filing system and case management system for its civil small claims cases, landlord-tenant and code enforcement actions.

D. "e-TIMS" is the electronic ticket management system used by the Philadelphia Traffic Court to manage its caseload.

E. "Financial Records" are the accounts, contracts, invoices or equivalent, as more fully described in Pennsylvania Rule of Judicial Administration No. 509, which deal with: 1) the receipt or disbursement of funds appropriated to the Unified Judicial System or to the First Judicial District of Pennsylvania; or 2) acquisitions, use or disposal of services, supplies, materials, equipment or property secured through funds appropriated to the Unified Judicial System or to the First Judicial District of Pennsylvania.

F. "JACS" is the Family Court Juvenile system's case management system.

G. "Bulk Data Request" means any request for compiled records consisting of more than one electronic case record, regardless of the number of electronic case records requested or the number of case fields or data per electronic case record requested, and regardless of the format the information is requested to be provided to the requestor.

H. "Official Case Records" (often referred to as "official court file") consist of those records maintained by the applicable clerk of court, prothonotary or similar office or court staff for any unique case commenced in any of the courts which comprise the First Judicial District. This official court file contains all pleadings filed by the parties as well as notices, orders, documents and other legal papers generated by the court or on behalf of the court. The Official Case Records or "official court file" may be maintained by the applicable clerk of court, prothonotary or similar office or court staff in whole or in part in a paper format or in an electronic format. Unless otherwise provided, the provisions applicable to Official Case Records are applicable equally to case records maintained in a paper format as well as in an electronic format.

I. "Court Administrator" is the Court Administrator of the First Judicial District of Pennsylvania.

J. "Custodian" is the person, or designee, responsible for the safekeeping of official case records and electronic case records held by any First Judicial District of Pennsylvania court or office.

K. "Docket Entries" are chronological descriptions or summaries of an individual case's filings, subsequent

actions and events which are entered, usually in an electronic format, on a court's case management system for the purpose of recording the case's events and to assist with its management and ultimate disposition.

L. "Electronic Case Record" means information or data created, collected, received, produced or maintained by the FJD in connection with a particular case that exists in the case management systems utilized by the FJD.

M. "Electronic filing" is the electronic transmission of legal papers by means other than facsimile transmission.

N. "First Judicial District" or "FJD" or "Court" is the First Judicial District of Pennsylvania which comprises three courts: Traffic Court, Municipal Court and Court of Common Pleas. References to the FJD also include the various Departments and offices which are part of the FJD, such as the Prothonotary's Office, Office of Court Reporter and Interpreter Services, and Jury Selection Commission.

O. "Legal paper," a pleading or other paper (including exhibits and attachments) filed in an action.

P. "Party" means one by or against whom a Traffic Court, Municipal Court or Court of Common Pleas case is brought.

Q. "Public" means any person, business, non-profit entity, organization or association. "Public" does not include First Judicial District of Pennsylvania officials or employees, or any federal, state, or local government agency, or employees or officials of such an agency if acting in their official capacity.

R. "Public Access Officer" is the person designated by the president judge or other appointing authority to review and process requests to access official case records, electronic case records, or financial records of the FJD and/or a court or office of the FJD.

S. "UJS" means the Unified Judicial System of Pennsylvania.

Section 2. Access to Electronic Case Record Information Maintained by the First Judicial District of Pennsylvania.

A. General Policy

It is the policy of the First Judicial District of Pennsylvania to permit the public to access, inspect and obtain electronic case records of the First Judicial District of Pennsylvania to the fullest extent legally permitted and feasible, except as provided by law, state and local rules, UJS policy, or as set forth in this policy, provided that the Court's orderly and efficient case flow is not disrupted by the request for electronic case records.

This policy does not govern access to electronic case records governed by the Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania (i.e. information or data created, collected, received, produced or maintained by a court or office in connection with a particular case that exists in the Pennsylvania Appellate Court Case Management System, Common Pleas Criminal Court Case Management System and Magisterial District Judge Automated System). Access to electronic case records of the Unified Judicial System of Pennsylvania is governed by the Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania. See <http://www.pacourts.us/T/AOPC/PublicAccessPolicy.htm>.

B. *Electronic Case Record Information Excluded from Public Access*

The following information in electronic case records is not accessible by the public:

- (1) social security numbers;
- (2) operator license numbers;
- (3) juror information including name, address and other contact information;
- (4) a party's street address and vehicle owner's address for Traffic Court cases, except that the city, state, and ZIP code may be released;
- (5) witness information for Traffic Court cases including name, address and other contact information;
- (6) financial institution account numbers, credit card numbers, PINS or passwords used to secure accounts;
- (7) notes, drafts, and work products related to court administration or any office that is the primary custodian of an electronic case record;
- (8) information sealed or protected pursuant to court order;
- (9) information to which access is otherwise restricted by federal law, state law, or state court rule; and
- (10) information presenting a risk to personal security, personal privacy, or the fair, impartial and orderly administration of justice, as determined by the Court Administrator with the approval of the Administrative Governing Board of the First Judicial District.

C. *Correcting Data Errors to Electronic Case Record Information Maintained by the First Judicial District of Pennsylvania*

(1) A party to a case, or the party's attorney ("the requestor") seeking to correct a data error in an electronic case record shall submit a written request for correction to the court in which the record was filed. The request shall be made in forms provided from time to time by the FJD.

(2) The requestor shall set forth on the request form with specificity the information that is alleged to be in error and shall provide sufficient facts including supporting documentation that corroborates the requestor's contention that the information in question is in error. A copy of the request must be sent to all other parties in the case.

(3) Within ten (10) business days of receipt of a request, the court's (or office's) designee shall respond in writing to the requestor, and a copy of the response shall be sent to all parties to the case, in one of the following manners:

(i) the request does not contain sufficient information and facts to adequately determine what information is alleged to be error; accordingly, the request form is being returned to the requestor; and no further action will be taken on this matter unless the requestor resubmits the request with additional information and facts.

(ii) the request does not concern an electronic case record that is covered by this policy; accordingly, the request form is being returned to the requestor; no further action will be taken on this matter.

(iii) it has been determined that an error does exist in the electronic case record and that the information in question has been corrected.

(iv) it has been determined that an error does not exist in the electronic case record.

(v) the request has been received and an additional period not exceeding 30 business days is necessary to complete the review of this matter.

(4) A requestor has the right to seek review of a decision under paragraph (3)(i)–(iv) from the District Court Administrator or his/her designee, within 10 business days of the decision, on forms provided from time to time by the First Judicial District. The decision of the District Court Administrator or his/her designee constitutes the final decision of the First Judicial District.

Note: Electronic case record correction procedures for CP/MC criminal cases are established by the UJS Electronic Case Record Public Access Policy. Information and relevant forms can be found at <http://www.pacourts.us/T/AOPC/PublicAccessPolicy.htm>.

D. *Request for Bulk Electronic Case Records or Data*

Any request for compiled electronic case records shall be reviewed and approved on a case-by-case basis. Only information or data not excluded from public access may be provided. Any request for bulk records or data that can be compiled using an existing report format shall be granted. Any request for bulk records or data which cannot be compiled using an existing report format will only be granted if the FJD has available personnel and other resources needed to compile the information requested without disrupting the orderly and efficient case-flow and operations of the FJD. As appropriate and by agreement, the First Judicial District may restrict the commercial use and re-sale of the bulk data provided, and may impose reasonable restriction on the usage of bulk data. For instance, the First Judicial District may prohibit the continuing commercial use of judgment information unless the commercial user agrees to periodically update or refresh the information to ensure that judgments that are satisfied are not reported as unpaid, to the detriment of the debtor.

Section 3. Access to Official Case Records.

This section covers access to official case records filed with and maintained by the Prothonotary, clerks of court, or similar office or court staff pursuant to specific legal authority, regardless of whether the official case records are filed or maintained in a paper format or in an electronic format.

A. *General Policy.* The policy of the First Judicial District is to provide unrestricted access to "official case records" (as defined in Section 1 above) except as provided by law, state and local rules, UJS policy, or as set forth in this policy.

B. *Confidential Information in Legal Papers filed in the courts of the FJD.*

(1) Except as set forth below in subsections 2 and 3, parties and their attorneys are directed to refrain from including social security numbers and financial information in all legal papers, documents and exhibits filed with the court.

(2) If the identity of a financial institution account number, credit card account number, or debit card number must be established, only the last four digits of the number may be included in the documents and exhibits filed with the court.

(3) If inclusion of the information set forth in subsection 1 is required by law or requested by the court, a party shall file the information on a separate form

(“Confidential Information Form”), or, online in a data field clearly identified as “Confidential Information” as may be required or authorized by any applicable state or local rule. The Confidential Information submitted online, Confidential Information Form and information contained thereon shall only be accessible to the court and the parties to the case, and shall not be accessible to the public.

(4) The parties and their attorneys are solely responsible for complying with the provisions in subsections 1, 2 and 3. The Prothonotary or the appropriate clerk of court will not review any document for compliance with subsections 1, 2 and 3. A party’s or an attorney’s failure to comply with these provisions shall not affect access to official case records that are otherwise accessible, and shall not require the Prothonotary or the appropriate clerk of court to redact any data or information contained in any legal paper.

(5) The following official case records filed in the courts of the First Judicial District are not accessible to the public:

(a) The Confidential Information Form and any information contained thereon;

(b) Confidential Information submitted online in a data field clearly identified as “Confidential Information” as provided in section 2) above;

(c) Legal papers and other information specifically sealed by court order;

(d) Legal papers and information to which access is restricted by federal law, state law, state court rule, and local ordinances and law;

(e) Notes, drafts, and work product of a judge or court employee; and

(f) Information identified by the Court Administrator, with the approval of the Administrative Governing Board of the First Judicial District, as presenting a risk to personal security, personal privacy, or the fair, impartial and orderly administration of justice.

C. Remote Access to the Official Case Records Maintained in an Electronic Format.

(1) *Remote Access to Parties.* Official case records maintained in an electronic format shall be made available to the parties as provided in the rules governing the applicable court or division. See e.g. Pa.R.C.P. No. 205.4, Phila.Civil Rule *205.4, Pa.O.C.R. 3.7 and Phila.O.C.R. 3.7.A.

(2) *Remote Access to the Public.* The FJD is not required to provide remote access to any official case record whether maintained in whole or in part in an electronic format. However, from time to time, the FJD may provide electronic access to any or all official case records maintained in an electronic format in accordance with rules or regulations which may be established from time to time.

Section 4. Access to Official Case Records of the First Judicial District. Court Specific Policies.

A. Court of Common Pleas

(1) Trial Division—Civil.

All legal papers contained in the official court file are accessible to the public, except for:

(a) any legal papers filed pursuant to the Mental Health Procedures Act of 1976, as amended, which are confidential and shall only be available to the parties thereto;

(b) notes of testimony (see below);

(c) any Confidential Information Form or Confidential Information submitted online in a data field clearly identified as “Confidential Information” as provided in this policy or pursuant to any state or local rule;

(d) specific cases and legal papers which are sealed by an order of the court; and

(e) specific case types and legal papers as provided by law, state and local rules, UJS policy or as set forth in this policy.

(2) Trial Division—Criminal.

All legal papers contained in the official court file are accessible to the public, except for:

(a) pre-sentence reports;

(b) mental health records;

(c) notes of testimony (see below);

(d) any Confidential Information Form or Confidential Information submitted online in a data field clearly identified as “Confidential Information” as provided in this policy or pursuant to any state or local rule;

(e) specific cases and legal papers which are sealed by an order of the court; and

(f) specific case types and legal papers as provided by law, state and local rules, UJS policy or as set forth in this policy.

(3) *Family Court Division.* The section addressing records of the Family Court Division is currently being developed.

(4) Orphans’ Court Division

All legal papers contained in the official file are available to the public except:

(a) notes of testimony (see below);

(b) any Confidential Information Form or Confidential Information submitted online in a data field clearly identified as “Confidential Information” as provided in this policy or pursuant to any state or local rule;

(c) any specific cases and legal papers which are sealed by an order of the court; and

(d) any specific case types and legal papers as provided by law, state and local rules, UJS policy or as set forth in this policy.

B. Municipal Court

(1) *Civil.* All legal papers contained in the official court file are accessible to the public, except:

(a) notes of testimony (see below);

(b) any Confidential Information Form or Confidential Information submitted online in a data field clearly identified as “Confidential Information” as provided in this policy or pursuant to any state or local rule;

(c) specific cases and legal papers which are sealed by an order of the court; and

(d) specific case types and legal papers as provided by law, state and local rules, UJS policy or as set forth in this policy.

(2) *Criminal.* All legal papers contained in the official court file are accessible to the public, except:

(a) pre-sentence reports;

(b) mental health records;

(c) notes of testimony (see below);

(d) any Confidential Information Form or Confidential Information submitted online in a data field clearly identified as “Confidential Information” as provided in this policy or pursuant to any state or local rule;

(e) specific cases and legal papers which are sealed by an order of the court; and

(f) specific case types and legal papers as provided by law, state and local rules, UJS policy or as set forth in this policy.

C. Traffic Court

The “official court file” in Traffic Court proceedings consists of the citation issued or filed as required by rules of court as well as any notices, orders, warrants issued by the Philadelphia Traffic Court and any other legal paper filed with the Traffic Court. However, the following information shall not be made available to the public:

(a) a defendant’s employment and financial information provided as required by rules of court to enable the Traffic Court to enter and enforce installment payment orders; and

(b) any Confidential Information Form or Confidential Information submitted online in a data field clearly identified as “Confidential Information” as provided in this policy or pursuant to any state or local law or rules.

Section 5. Notes of Testimony—Court Reporters.

(a) *General Rule.* If filed in the official case record, notes of testimony or transcripts of court hearings are accessible by the public to the same extent as the underlying case type. However, in light of the provisions of Pennsylvania Rules of Judicial Administration No. 5000.1 et seq., the notes of testimony may not be copied. Copies of the notes of testimony must be ordered from the Office of Court Reporters utilizing the appropriate Transcript Order form, available on the FJD’s website at: <http://www.courts.phila.gov/forms/> and the applicable fee must be paid.

(b) *Untranscribed or Unfiled Notes of Testimony.* Notes of testimony or transcripts of court hearings are accessible by the public to the same extent as the underlying case type. If a particular hearing is accessible to the public, notes of testimony must be ordered from the Office of Court Reporters utilizing the appropriate Transcript Order form, available on the FJD’s website at: <http://www.courts.phila.gov/forms/> and the applicable fee must be paid.

Section 6. Public Access to Financial Records.

Pennsylvania Rule of Judicial Administration No. 509 establishes a systematic process for requesting and accessing financial records that deal with the use of public funds, including the purchase of services, supplies or equipment. A copy of Rule 509 and related information may be obtained on the Unified Judicial System’s public access webpage, located at: <http://www.pacourts.us/T/AOPC/PublicAccessPolicy.htm>.

The FJD’s Rule 509 Request form, fee schedule and other detailed information related to Rule 509 can be found via the links on the FJD’s website <http://courts.phila.gov>.

Section 7. Requests for Electronic Case Record Information, Official Case Records, and Financial Records.

Request Process. The FJD may require public access requests for Electronic Case Record Information, Official Case Records, and Financial Records to be in writing, on

forms provided from time to time by the First Judicial District. Current Public Access Request forms are available on the FJD website at <http://www.courts.phila.gov/forms/>. The request shall identify or describe the official case records or electronic case records sought with specificity to enable the appropriate staff to ascertain which records are being requested.

Section 8. Responding to a Request for Official Case Records or Electronic Case Record.

A. As promptly as possible under the circumstances existing at the time of the written request, the respective court or office shall respond in one of the following manners:

(1) fulfill the request, or if there are applicable fees and costs that must be paid by the requester, notify the requester that the information is available upon payment of the same;

(2) notify the requester in writing that the requester has not complied with the provisions of this Policy and the requested information cannot be provided;

(3) notify the requester in writing that the information is confidential or cannot otherwise be provided; or

(4) notify the requester in writing that the request has been received and that additional time is necessary to respond to the request, and that a response will be provided within thirty (30) business days.

B. If the request for access is denied, the requestor may seek review of that determination from the Court Administrator or designee within 15 business days of service of the written notification by the respective court or office. The request for review must be in writing, on a form supplied from time to time by the First Judicial District. Within 20 business days of receipt of the appeal, the Court Administrator or designee shall make a determination and forward it in writing to the requestor. This remedy is not exclusive and need not be exhausted before other relief is sought.

Section 9. Fees.

A. *General Rule.* The First Judicial District must assess, charge and collect the fees and other charges that are provided by law and other legal authority in order to provide certain services, official case records, as well as for electronic case record information, even if provided in a bulk format. (See, e.g. 42 Pa.C.S. § 1725 and 42 P.S. § 21081).

B. *Public Access Fee Schedule.* From time to time, the First Judicial District shall adopt a Public Access Fee Schedule addressing charges and services not covered by Section 9.A. The Public Access Fee Schedule shall be posted on the FJD website, <http://www.courts.phila.gov>, together with the other applicable fee schedules. The Public Access Fee Schedule may be amended from time to time by the First Judicial District.

C. *Prepayment.* Prior to granting a request for access in accordance with this Policy, the First Judicial District may require the requester to prepay an estimate of the fees authorized by this Policy. Failure to pay the fees requested in a timely manner will result in the denial of the request.

Section 10. Continuous Availability of Policy.

A copy of this Policy, which may be amended from time to time, shall be continuously available for public access in each Court, Division, Department or other office of the First Judicial District as well as on the website of the First Judicial District, at <http://courts.phila.gov>.

**First Judicial District of Pennsylvania
PUBLIC ACCESS RECURRING REQUEST FORM—Electronic Data**

Name of Requestor _____

Mailing Address _____

City _____ State _____ Zip _____

E-mail _____ Phone _____ Fax _____

SUBMIT TO:
Public Access Unit
public.access@courts.phila.gov
First Judicial District of
Pennsylvania
Room 370 City Hall
Philadelphia, PA 19107

Note: You will need Internet access to our homepage in order to download this information.

- The Standard Report Fee per the Fee Schedule for daily, weekly, or monthly updates must be paid prior to beginning of any file transfers unless staff time and computer time calculated pursuant to the Public Access Fee Schedule requires imposition of a greater amount.
- The monthly fee is based on staff and computer time and will be billed prior to the beginning of each month.
- Checks should be payable to the First Judicial District of Pennsylvania.

SPECIFIC DESCRIPTION OF DATA REQUESTED

Disclaimer

Information and Receipt of Information are subject to all relevant legal authority as well as the following:

1. I am aware that a copy of this Form may be provided to the court or department related to this request.
2. I understand that the information provided is correct as of the date supplied, that the FJD will not automatically update the information contained in the Report generated as a result of my Request, and that the Report may become obsolete shortly upon production due to ongoing case activity. I understand and agree that the data provided must be periodically updated or refreshed if the status of any case is reported as being "current," and I agree that unless the data is updated or refreshed as requested by the FJD, I will cease ongoing use of same.
3. I acknowledge that the FJD makes no representation as to the accuracy, completeness or utility for any general or specific purpose, of the information provided and as such, assumes no liability for inaccurate or delayed data, errors or omissions.
4. Use of this information is at my sole risk.
5. I understand that my Request for information is being fulfilled consistent with the provisions of the FJD Electronic Case Record Public Access Policy and that I will comply with all terms of the FJD Electronic Case Record Public Access Policy.
6. By submitting this request, I agree to pay any costs incurred and understand that I will not receive the information described above unless or until I make payment as set forth above.

SIGNATURE _____ DATE _____

Case Caption:

Docket Number/Case ID:

INSTRUCTIONS FOR OBTAINING ELECTRONIC CASE RECORD INFORMATION OF THE
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

1. A requestor shall identify or describe the records sought with specificity to enable the court staff to ascertain which records are being requested. A request need not include any explanation of the requestor's reason for requesting or intended use of the records.
2. The requestor must submit the completed form to the Public Access Unit. Incomplete forms may result in delayed access to the requested record(s).
3. Requestors will be charged fees required by applicable fee schedules, including the Public Access Fee Schedule adopted pursuant to the FJD' Public Access Policy.
4. Requests will be completed as promptly as possible under the circumstances existing at the time of the request. If the court denies the request or must delay access, the court shall inform the requestor in writing of the specific reason(s) why access to the information is being delayed or denied.
5. If a request is denied by the court, the decision may be appealed to the Court Administrator of the FJD within 15 business days of service of the written notification by the court denying the Request.

FOR COURT USE ONLY

Your request was received on ____/____/____. In accordance with the Public Access Policy of the First Judicial District, please be advised that:

- ☐ This request is being returned to you because it does not contain sufficient information to evaluate your request. No further action will be taken unless you resubmit the request with additional information.
- ☐ The information/record does not exist.
- ☐ The information/record is not an official case record as defined by the Policy.
- ☐ The information/document is exempt from public access pursuant to the Policy.
- ☐ You have failed to properly complete the Request Form.
- ☐ Other _____

Signature

Date

FOR USE BY REQUESTOR

If you wish to seek review of the decision set forth above, please complete this section and mail or email this entire form to the Court Administrator of the FJD (Room 369 City Hall, Philadelphia, PA 19107) within 15 business days of notification of the decision.

I, _____, request that a review of the decision set forth above be made.

Signature

Date

**First Judicial District of Pennsylvania
PUBLIC ACCESS NONRECURRING REQUEST FORM—Electronic Data**

Name of Requestor _____

Mailing Address _____

City _____ State _____ Zip _____

E-mail _____ Phone _____ Fax _____

SUBMIT TO:
Public Access Unit
public.access@courts.phila.gov
First Judicial District of
Pennsylvania
Room 370 City Hall
Philadelphia, PA 19107

SPECIFIC DESCRIPTION OF DATA REQUESTED

To Be Completed by First Judicial District of Pennsylvania (FJD)

TASK SCOPE	COST	REMARKS
Staff Time (\$85 for up to an hour)		
Computer Time (\$300 fee for up to an hour)		
TOTAL DUE		

Note: Costs are estimates. If it is determined that actual costs will exceed the estimate, you will be contacted for approval.

Checks should be payable to First Judicial District of Pennsylvania.

Disclaimer

Information and Receipt of Information are subject to all relevant legal authority as well as the following:

1. I am aware that a copy of this Form may be provided to the court or department related to this request.
2. I understand that the information provided is correct as of the date supplied, that the FJD will not automatically update the information contained in the Report generated as a result of my Request, and that the Report may become obsolete shortly upon production due to ongoing case activity. I understand and agree that the data provided must be periodically updated or refreshed if the status of any case is reported as being "current," and I agree that unless the data is updated or refreshed as requested by the FJD, I will cease ongoing use of same.
3. I acknowledge that the FJD makes no representation as to the accuracy, completeness or utility for any general or specific purpose, of the information provided and as such, assumes no liability for inaccurate or delayed data, errors or omissions.
4. Use of this information is at my sole risk.
5. I understand that my Request for information is being fulfilled consistent with the provisions of the FJD Electronic Case Record Public Access Policy and that I will comply with all terms of the FJD Electronic Case Record Public Access Policy.
6. By submitting this request, I agree to pay any costs incurred and understand that I will not receive the information described above unless or until I make payment as set forth above.

SIGNATURE _____ DATE _____

Case Caption:

Docket Number/Case ID:

**INSTRUCTIONS FOR OBTAINING ELECTRONIC CASE RECORD INFORMATION OF THE
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**

1. A requestor shall identify or describe the records sought with specificity to enable the court staff to ascertain which records are being requested. A request need not include any explanation of the requestor's reason for requesting or intended use of the records.
2. The requestor must submit the completed form to the Public Access Unit. Incomplete forms may result in delayed access to the requested record(s).
3. Requestors will be charged fees required by applicable fee schedules, including the Public Access Fee Schedule adopted pursuant to the FJD' Public Access Policy.
4. Requests will be completed as promptly as possible under the circumstances existing at the time of the request. If the court denies the request or must delay access, the court shall inform the requestor in writing of the specific reason(s) why access to the information is being delayed or denied.
5. If a request is denied by the court, the decision may be appealed to the Court Administrator of the FJD within 15 business days of service of the written notification by the court denying the Request.

FOR COURT USE ONLY

Your request was received on ___/___/___ . In accordance with the Public Access Policy of the First Judicial District, please be advised that:

- ☐ This request is being returned to you because it does not contain sufficient information to evaluate your request. No further action will be taken unless you resubmit the request with additional information.
- ☐ The information/record does not exist.
- ☐ The information/record is not an official case record as defined by the Policy.
- ☐ The information/document is exempt from public access pursuant to the Policy.
- ☐ You have failed to properly complete the Request Form.
- ☐ Other _____

Signature

Date

FOR USE BY REQUESTOR

If you wish to seek review of the decision set forth above, please complete this section and mail or email this entire form to the Court Administrator of the FJD (Room 369 City Hall, Philadelphia, PA 19107) within 15 business days of notification of the decision.

I, _____, request that a review of the decision set forth above be made.

Signature

Date

**First Judicial District of Pennsylvania
GOVERNMENT ACCESS REQUEST FORM**

Name of Requestor _____

Mailing Address _____

City _____ State _____ Zip _____

SUBMIT TO:
Public Access Unit
public.access@courts.phila.gov
First Judicial District of
Pennsylvania
Room 370 City Hall
Philadelphia, PA 19107

E-mail _____ Phone _____ Fax _____

DESCRIPTION OF REQUEST

REMARKS—FIRST JUDICIAL DISTRICT OF PENNSYLVANIA (FJD) USE ONLY

Disclaimer

Information and Receipt of Information are subject to all relevant legal authority as well as the following:

1. I am aware that a copy of this Form may be provided to the court or department related to this request.
2. I understand that the information provided is correct as of the date supplied, that the FJD will not automatically update the information contained in the Report generated as a result of my Request, and that the Report may become obsolete shortly upon production due to ongoing case activity. I understand and agree that the data provided must be periodically updated or refreshed if the status of any case is reported as being "current," and I agree that unless the data is updated or refreshed as requested by the FJD, I will cease ongoing use of same.
3. I acknowledge that the FJD makes no representation as to the accuracy, completeness or utility for any general or specific purpose, of the information provided and as such, assumes no liability for inaccurate or delayed data, errors or omissions.
4. Use of this information is at my sole risk.
5. Some of the information provided may be of a nature or class not subject to disclosure under the FJD's Electronic Case Record Public Access Policy.
6. I understand that my Request for information is being fulfilled consistent with the provisions of the FJD Electronic Case Record Public Access Policy and that I will comply with all terms of the FJD Electronic Case Record Public Access Policy.

SIGNATURE _____ DATE _____

First Judicial District of Pennsylvania
REQUEST FOR CORRECTION OF AN ELECTRONIC CASE RECORD
 (A separate request form must be submitted for each case)

Name of Requestor _____

Attorney No. (if applicable): _____

Phone No. _____ Fax No. _____

Mailing Address: _____

City _____ State _____ Zip _____

E-mail _____

SUBMIT TO:
 Public Access Unit
 public.access@courts.phila.gov
 First Judicial District of
 Pennsylvania
 Room 370 City Hall
 Philadelphia, PA 19107

Case Caption: _____

Docket Number/Case ID: _____

Set forth with specificity the information that appears on the electronic case record referenced above which you believe to be in error. (Attach additional sheets if necessary).

Set forth with specificity sufficient facts that support your contention that the information in question is in error, including supporting documentation. (Attach additional sheets if necessary).

NOTE: Your request for correction of a data error in an electronic case record will be forwarded to the appropriate court clerk based on the information you provide below concerning the type of case involved:

Municipal Court

- ☐ Municipal Court: Civil
☐ Philadelphia Traffic Court

Court of Common Pleas

- ☐ Trial Division - Civil
☐ Orphans' Court Division

I, _____, verify that the facts set forth in this form are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to unsworn falsification to authorities.

 Signature of Requestor

 Date

Case Caption:

Docket Number/Case ID:

FOR COURT USE ONLY

Your request was received on __/__/__. In accordance with the Electronic Case Record Public Access Policy of the First Judicial District, please be advised that:

- ☐ This request is being returned to you because it does not contain sufficient information to evaluate your request. No further action will be taken unless you resubmit the request with additional information.
- ☐ This request is being returned to you because it does not concern an electronic case record. No further action will be taken on this matter.
- ☐ It was determined an error existed in the electronic case record, and the information has been corrected.
- ☐ It was determined an error does not exist in the electronic case record.
- ☐ An additional period of time not exceeding 30 business days is necessary to complete a review of your request.

Comments:

 Signature

 Date

If an additional period of time not exceeding 30 days was necessary to complete the review of this request, please be advised that:

- ☐ This request is being returned to you because it does not contain sufficient information to evaluate your request. No further action will be taken unless you resubmit the request with additional information.
- ☐ This request is being returned to you because it does not concern an electronic case record. No further action will be taken on this matter.
- ☐ It was determined an error existed in the electronic case record, and the information has been corrected.
- ☐ It was determined an error does not exist in the electronic case record.

Comments:

Signature

Date

For Use by Requestor

If you wish to seek review of the decision set forth above, please complete this section and mail or email this entire form to the Court Administrator of the FJD (Room 369 City Hall, Philadelphia, PA 19107) within 15 business days of notification of the decision.

I, _____, request that the above decision be reviewed.

Signature

Date

**First Judicial District of Pennsylvania
PUBLIC ACCESS—REQUEST FOR OFFICIAL CASE RECORDS**

Name of
Requestor _____

Mailing Address _____

City _____ State _____ Zip _____

SUBMIT TO:
Public Access Unit
public.access@courts.phila.gov
First Judicial District of
Pennsylvania
Room 370 City Hall
Philadelphia, PA 19107

E-mail _____ Phone _____ Fax _____

MUNICIPAL COURT

- ☐ Municipal Court: Civil
☐ Municipal Court: Criminal

☐ PHILADELPHIA TRAFFIC COURT

COURT OF COMMON PLEAS

- ☐ Trial Division - Civil
☐ Trial Division - Criminal
☐ Orphans' Court Division

DESCRIBE CASE RECORD (PLEADING) REQUESTED: (See instructions on next page):

I understand that my Request for information is being fulfilled consistent with the provisions of the FJD Official Case Record Public Access Policy and that I will comply with all terms of the FJD Official Case Record Public Access Policy.

By submitting this request, I agree to pay any costs incurred and understand that I will not receive the information described above unless or until I make payment listed below.

SIGNATURE _____ DATE _____

Official Use Only

Date Received	CHARGE	Comments
Tracking Number (if applicable)	Total Charge	

Case Caption:

Docket Number/Case ID:

INSTRUCTIONS FOR OBTAINING OFFICIAL CASE RECORDS OF THE
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

1. A requestor shall identify or describe the records sought with specificity to enable the court staff to ascertain which records are being requested. A request need not include any explanation of the requestor's reason for requesting or intended use of the records.
2. The requestor must submit the completed form to the Public Access Unit. Incomplete forms may result in delayed access to the requested record(s).
3. Requestors will be charged fees required by applicable fee schedules, including the Public Access Fee Schedule adopted pursuant to the FJD' Public Access Policy.
4. Requests will be completed as promptly as possible under the circumstances existing at the time of the request. If the court denies the request or must delay access, the court shall inform the requestor in writing of the specific reason(s) why access to the information is being delayed or denied.
5. If a request is denied by the court, the decision may be appealed to the Court Administrator of the FJD within 15 business days of service of the written notification by the court denying the Request.

FOR COURT USE ONLY

Your request was received on ___/___/___ . In accordance with the Public Access Policy of the First Judicial District, please be advised that:

- ☐ This request is being returned to you because it does not contain sufficient information to evaluate your request. No further action will be taken unless you resubmit the request with additional information.
- ☐ The information/record does not exist.
- ☐ The information/record is not an official case record as defined by the Policy.
- ☐ The information/document is exempt from public access pursuant to the Policy.
- ☐ You have failed to properly complete the Request Form.
- ☐ Other _____

Signature

Date

FOR USE BY REQUESTOR

If you wish to seek review of the decision set forth above, please complete this section and mail or email this entire form to the Court Administrator of the FJD (Room 369 City Hall, Philadelphia, PA 19107) within 15 business days of notification of the decision.

I, _____, request that a review of the decision set forth above be made.

Signature

Date

**COMMONWEALTH OF PENNSYLVANIA
COUNTY OF PHILADELPHIA
Confidential Case Information Form**

VS.

SUBMIT TO:
Public Access Unit
public.access@courts.phila.gov
First Judicial District of Pennsylvania
Room 370 City Hall
Philadelphia, PA 19107

Case No. _____

CONFIDENTIAL INFORMATION (Attach additional pages as necessary)	
NAME: _____ <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other: _____	Confidential/Financial Information
NAME: _____ <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other: _____	Confidential/Financial Information
NAME: _____ <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other: _____	Confidential/Financial Information
NAME: _____ <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other: _____	Confidential/Financial Information

Name: _____ Signature: _____

Attorney #: _____ Telephone: () _____

Address: _____

**First Judicial District of Pennsylvania
PUBLIC ACCESS POLICY***

FEE SCHEDULE†

The following Fee Schedule is adopted as provided in Section 9 of the First Judicial District of Pennsylvania's Public Access Policy.

ELECTRONIC DATA

- 1) Complete Historical Data - Flat Fee of:
 - a. \$25,000 for all historical data maintained by the Court of Common Pleas - Civil; Municipal Court - Civil; Orphans' Court; and Traffic Court
 - b. \$10,000 for each individual database's Historical Data
 - c. \$3,000 for a subset of paragraph 1.b. above
- 2) Daily, Weekly, or Monthly Current Updates
 - a. \$1,000 per month for all current data maintained by the Court of Common Pleas - Civil; Municipal Court - Civil; Orphans' Court; and Traffic Court
 - b. \$500 per month for each individual database's current data
 - c. \$300 per month for a subset of paragraph 2.b. above
- 3) Non-Recurring Request (ad hoc). Standard programming fee (@\$85 per hour) plus \$300

OFFICIAL CASE RECORD

Requests for copies of official case records which can be accessed by the public shall be made on-line if available or on forms provided by the FJD and are subject to the following charges:

- 1) Requests and delivery through the FJD's eCommerce Online Document Purchase Feature: \$.10 @ page. A \$5.00 convenience fee will be assessed for each transaction in order to complete the purchase on-line. Documents from multiple case dockets may be purchased during one transaction by updating the virtual shopping cart. Note: In lieu of paying the convenience fee, documents may be purchased at the Prothonotary's Office in Room 264 City Hall at a cost of \$.50 per page.
- 2) Requests from the applicable Prothonotary or Clerk of Courts and delivery either in an electronic or hard-copy format by the Prothonotary or Clerk of Courts: \$.50 per page from the applicable Prothonotary or Clerk of Courts.

*The First Judicial District must assess, charge and collect the fees and other charges that are provided by law and other legal authority in order to provide certain services, official case records, as well as for electronic case record information, even if provided in a bulk format. (See, e.g. 42 Pa.C.S. § 1725 and 42 P. S. § 21081).

†Prior to granting a request for access in accordance with this Policy, the First Judicial District may require the requester to prepay an estimate of the fees authorized by this Policy. Failure to pay the fees requested in a timely manner will result in the denial of the request.

[Pa.B. Doc. No. 12-2139. Filed for public inspection November 2, 2012, 9:00 a.m.]

Title 25—LOCAL COURT RULES

ADAMS COUNTY

Local Rules of Judicial Administration; Administrative Order No. 49 of 2012

Order of Court

And Now, this 18th day of October, 2012, the Court hereby adopts the Local Rules of Judicial Administration follows as Exhibit "A." Upon these rules becoming effective, the current Local Rules of Judicial Administration are rescinded.

These rules shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

It is further directed that:

1. This Order shall be filed in the Office of Prothonotary of Adams County and a copy thereof shall be filed with the Adams County Clerk of Courts and the Adams County Law Library for inspection and copying;

2. Seven (7) certified copies of this Order shall be forwarded to the Administrative Office of the Pennsylvania Courts for distribution in accordance with the provisions of Pa. R.J.A. No. 203(c)(2); and

3. Two (2) certified copies of this Order together with a computer diskette that complies with the requirement of 1 Pa. Code § 13.11(b) containing the text of the local rules adopted hereby shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

By the Court

JOHN D. KUHN,
President Judge

Adams County Rules of Judicial Administration

1—99. Applicability.

1. **Offices To Which Rules Apply.** The Rules adopted under this chapter shall apply to all offices in the Adams County court system unless the context indicates otherwise. Offices in the court system shall include the offices of Magisterial District Judges, the Clerk of Courts, Orphans' Court Division, Criminal and Miscellaneous Sections, and the Prothonotary. In some instances these rules will also apply to the Sheriff, Register of Wills and Recorder of Deeds.

2. Supplement To State Rules. Local rules are intended to supplement State rules and shall be read in context with those rules. In case of a conflict the rules adopted by the Pennsylvania Supreme Court shall prevail.

3. Citation To Local Rules. Local rules may be cited:

Adams C.R.J.A. (number)—Rules of Judicial Administration

Adams C.Civ.R. (number)—Rules of Civil Procedure

Adams C.Crim.R. (number)—Rules of Criminal Procedure

Adams C.Juv.R. (number)—Rules of Juvenile Court Procedure

Adams C.O.R. (number)—Rules of Orphans' Court Procedure

They may also be cited as Local (R.J.A., Civ., Crim., Juv., O.C.) Rule (number).

100—199. Administrative Matters.

101. Court Calendar.

The Court shall promulgate a court calendar annually. There shall be included therein no less than twelve (12) weeks set aside for criminal jury trials and no less than seven (7) weeks set aside for civil jury trials. The Prothonotary and Clerk shall prepare a list of cases scheduled for hearing, trial, argument or other action at least five (5) days prior to a specified calendar day and provide each judge presiding over such cases with a copy thereof. Other than summary appeals, the hearing list shall reflect matters listed for hearing at least ten (10) days prior to hearing date. The list may be supplemented by order or with approval of a judge.

110. Legal Journal.

The *Adams County Legal Journal* is designated for the publication of Court or other legal notices as required by the various statutes, laws, rules, orders or decrees of the Court in the Commonwealth of Pennsylvania.

120. Bulletin Board.

Both the Prothonotary and Clerk of Courts shall maintain in public view a bulletin board for the purpose of posting required notices.

130. Law Library.

A. *Research and Reference Facility:* The Adams County Law Library shall be used as a research facility by the Court, county officials, and county attorneys, in accordance with law, and subject to rules promulgated by the Law Library Committee and approved by the Court. In furtherance of a desire to maintain the Adams County Law Library as a complete County Reference Law Library, the following publications are to be provided for the law library:

1. All published slip opinions authored by the Adams County Court shall be delivered to the Adams County Law Library which shall hereinafter act as a depository for said Opinions.

2. All ordinances of municipalities and townships, including Zoning Ordinances, shall be made available to the Adams County Law Library.

B. *Open to the public:* The Adams County Law Library shall be a facility open to the general public subject to rules promulgated by the Law Library Committee and approved by the Court.

C. *Law Library Committee:* The President Judge shall appoint a chairman and committee to operate and maintain the Adams County Law Library. Committee members shall be selected from members of the Adams County Bar Association and shall serve at the pleasure of the President Judge. The committee may deal directly with the Adams County Commissioners in budgetary matters. The committee shall annually file a report and accounting with the Court. Upon approval, the report shall be filed of record in the Prothonotary's Office.

D. *Rules.* Until changed, the following rules shall apply:

1. The library is open to the public during the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, except during those times when the Courthouse is closed.

2. The Adams County Law Library is intended primarily for a reference library. No books may be taken out by members of the general public. Limited borrowing privileges are as follows:

a. All books must be returned within three (3) days from the date that they are signed out, in a register provided and located at the desk in the law library. Violation of this provision shall subject the violator to the following penalties:

i. Books held beyond thirty (30) days—library privileges to be revoked and offender to be reported to the Adams County Court.

ii. After thirty (30) days, the offender will be billed for the replacement cost of the volume(s) held.

b. The following books are for reference only and may not be taken out of the law library: *Purdons Statutes*, *Pennsylvania Law Encyclopedia*, *United States Code Annotated*, *U.S. Code Service*, all Slip Opinions, Court Rules, Directories, *Shepard Citations*, *Pennsylvania Code*, *Pennsylvania Bulletin*, and all other books maintained on shelves that are marked indicating that the contents may not be removed.

3. For all materials which are in circulation and borrowed from the library, authorized individuals shall sign the register and indicate the volume number and title, the borrower's name (judge, attorney, or county official), address or department and the date that the volume was removed. Every item taken from the library must be signed out. When the item is returned to the library, the register must be signed to indicate the date that the item was returned. The item should be re-shelved when it is returned to the library.

4. The photocopier in the law library is for the convenience of all persons authorized to use the law library. Use is restricted to making reasonable numbers of copies of library material. The Committee may subject the copier's use to conditions and restrictions by posting same by or on the copier and may revoke any person's usage privileges. The copy machine should be turned off after use.

5. These rules shall be posted in a conspicuous place in the Adams County Law Library.

140. Photographs and Broadcasting.

A. No pictures or photographs shall be taken immediately preceding or during sessions of this Court or recesses between sessions, in any of the courtrooms or at any place in the courthouse within forty (40) feet of the entrance of such courtroom unless specially allowed by the President Judge.

B. No Court proceeding shall be broadcast or televised, nor shall any court proceeding be mechanically or electronically recorded, except by the official court reporter unless specifically allowed by the President Judge or the Judge presiding over that proceeding.

C. No pictures or photographs of any party to civil, criminal, orphans or juvenile action, juror, or witness shall be taken in the law library or in any office or other room of the courthouse, except with the knowledge and consent of the person or persons photographed.

150. Extended hearing.

An extended hearing is defined as one requiring two or more hours. Parties requesting a hearing, whether by order or praecipe, shall certify whether the hearing can reasonably be expected to become an extended hearing. The Court will then schedule the matter for conference or hearing as deemed appropriate by the Court.

160. Termination of Inactive Cases.

A. The Clerk of Courts, the Prothonotary, and each Magisterial District Judge shall annually review cases pending in his/her respective office on or before the first day in July. The Officer shall compile a list of cases in which there has been no docket activity for a period of two (2) years or more. The Officer shall, at least sixty (60) days prior to September 15, give notice to the parties and counsel either (a) in person, (b) by regular mail, addressed to the last address of record, or (c) by publication when notice by mail cannot be given or has been returned undelivered, that after that date the case will be considered by the Court for dismissal. The notice shall comply with the provisions of Pa. Rules of Judicial Administration 1901 and Pa. Rule of Civil Procedure 230.2.

B. If no statement of intention to proceed is made, the Court will summarily dismiss the case any time after September 15 or sixty (60) days after service of the notice, whichever is later. If a statement of intention to proceed is made, the Court may either schedule a hearing or continue the case on active status for a period of one (1) year.

C. Magisterial District Judges shall have the same powers and duties as the Court. Either party shall have the right to appeal to the Court from any decision, as in other cases in which judgment is entered by a Magisterial District Judge.

D. Officers shall certify to the Court that proper notice has been given pursuant to this rule.

E. Notice by publication shall be published once in a newspaper of general circulation in the Adams County area or once in the Adams County Legal Journal.

200—299. Fees, Costs and Financial Matters.

201. Money Paid Into Court.

A. Any party wishing to pay money into Court shall request leave to do so by petition, in conformance with Adams County Civil Rule 206.4 (c).

B. The Prothonotary and Clerk of Courts shall open and maintain accounts for the deposit of funds paid into Court, pursuant to court order. Accounts and depositories shall be approved by the Court. Disbursements or distributions shall be made pursuant to court order. An administrative fee of twenty-five (\$25.00) dollars shall be paid from the fund.

C. When money is paid to the Prothonotary pursuant to Pa. R.C.P.D.J. 1008, the payee shall state in writing whether or not the Prothonotary is authorized to periodically

release sums to a landlord without application by the landlord. If authority is granted, the tenant shall state the amount that may be periodically disbursed. Until authority is cancelled by the tenant, those sums may be periodically released without further Order of Court.

210. Fee Schedule: Public Access to Magisterial District Court Records.

A. Any member of the public requesting access to the public records of the magisterial district courts of Adams County shall be charged the following fees:

1. Photographing—\$0.25 per page;
2. Facsimile or other electronic memos—\$0.25 per page;
3. Conversion to paper from electronic storage—\$0.15 per page;
4. Postage—actual cost;
5. Redaction—none;
6. \$5.00 per each quarter (1/4) hour associated with the preparation, copying and re-filing of requested records.

B. Depending upon the volume of the records requested, the Magisterial District Judge may require a reasonable deposit before authorizing response to the request.

C. Fees paid for services are non-refundable.

D. Fees may be waived if the Magisterial District Judge determines that the requestor is indigent.

E. All fees received pursuant to this Rule shall be identified as revenue to the magisterial district court and shall be remitted monthly to the general fund of the County of Adams.

F. All terms used in this Rule shall have the same meaning as found in the definitional section of the Public Access Policy of the Unified Judicial System of Pennsylvania at 204 Pa. Code Sec. 213.1.

300—399. Documents and Records.

301. Papers Filed.

For purposes of this Rule, papers include pleadings, motions, petitions and orders. Nothing in this rule shall be construed contrary to any State rule.

A. Size and Color.

Papers filed in the court system of Adams County shall be eight and one-half inches by eleven inches (8 1/2 x 11) in size. Papers shall be on white or off-white stock. Exhibits to papers may be of a different color if the original does not permit compliance with this Rule.

B. Characters.

Papers should be written in ink, printed, typewritten, photocopied, mimeographed or otherwise mechanically reproduced.

C. Caption.

The caption should include the name and division of the Court, identifying case number, the names of the parties, and the title of the proceeding.

D. Orders.

Papers requiring an order shall have a proposed order attached as the first page and shall be first filed in either the Office of the Clerk of Courts or the Office of the Prothonotary. Normally, papers should then be presented to the Court Administrator for routing. Papers may also

be presented to the appropriate judge in chambers, or filed in open court, if the judge is already presiding over that litigation.

E. Prior Action.

If a paper refers to prior action taken by the Court, the paper shall identify the date the action was taken and the judge taking such action and shall have attached as an exhibit a copy of the order directing the action.

F. Backers.

The use of backers, mini-backers, toppers or other cover stock is discouraged. No substantive content of any pleading or document shall be contained on the backer, mini-backer, topper or other cover stock. The Clerk of Courts and the Prothonotary shall not physically retain or preserve any backer, mini-backer, topper or other cover stock, or retain or preserve any information contained thereon.

G. Social Security Numbers.

No document submitted for filing to the Prothonotary's Office shall disclose the Social Security number of any person, except as specifically authorized by Rule promulgated by the Pennsylvania Supreme Court, court order, or as required by State or Federal law.

310. Records.

A. Officers.

The Prothonotary, Clerk of Courts, Recorder of Deeds and Register of Wills shall be responsible for the safekeeping of records in their respective offices.

B. Unsupervised Access to Records.

No person other than a judge, attorney admitted to practice in Pennsylvania, or persons designated by a judge or attorney may have unsupervised access to records. Attorneys shall designate which employees from their law office may have unsupervised access. The designation of law office employees must be written and filed in the appropriate office. All unsupervised access shall be limited to the Court's normal business hours and confined to the Prothonotary, Clerk of Courts or Recorder/Register's Offices where the records are stored. Attorneys and designated employees must sign an acknowledgement that they understand this Rule and will do nothing to damage or compromise the integrity of records. If the law office employee's designation is to be removed due to termination of employment or otherwise the attorney shall promptly so notify the Officer. The Officer shall periodically request updated written designations.

C. Removal of Records.

Officers may not authorize temporary removal of records for the purposes of examination and study by any person other than a judge, judicial staff, masters, auditors, court-appointed arbitrators or other court appointed persons. Officers shall require receipts and must be informed precisely where the records may be located. Any person temporarily removing the records shall authorize the Officer to seize and regain possession of the records without process or notice, wherever they may be held. On the day of hearing the master, chairperson of Board of View, or chairperson of Board of Arbitration may remove the records applicable to the appointed case for use at the hearing and shall return said records in tact to the Officer at the end of said hearing. Where the records in a case are unusually voluminous the Officer may relax the restrictions of this Rule so that the original records may be removed from the office for a longer period of time.

D. Electronic Copies.

Upon appointment by the Court the Officer shall make electronic copies of the pleadings available to a master, members of Board of View and members of Board of Arbitration.

320. Correction of Public Records.

Neither the Prothonotary, the Register of Wills, the Clerk of Courts, the Recorder of Deeds, nor the Sheriff shall erase any matter erroneously entered in any official or public record, such as an entry book, docket, mortgage or deed, or will book. Any erroneous entry shall be stricken there from in red ink in such manner as to leave the stricken matter legible, and the correct entry inserted. Upon the making of any correction the Officer making the same shall note the date of such making. In the event that any such Officer shall inadvertently omit to make an entry and subsequently another entry shall be made, the omitted entry may be placed upon the record but it shall not be inserted between two other entries unless the Officer shall note on the record that it was so made, together with the date thereof.

330. Civil Trial Exhibits.

A. After trial, exhibits admitted into evidence shall be retained by the Prothonotary until it is determined whether an appeal has been taken from a final judgment. If an appeal has been taken, the exhibits shall be retained by the Prothonotary until disposition of the appeal.

B. Within sixty (60) days after the final disposition of all appeals or the date when no further appeal may be taken under the Pennsylvania Rules of Appellate Procedure, the party who offered the exhibits may reclaim them from the Prothonotary. Any exhibits not so reclaimed may be destroyed or otherwise disposed of by the Prothonotary after thirty (30) days written notice by regular mail to the attorney or party who offered the exhibit.

C. Notwithstanding the above, any person who has a possessory or legal interest in any exhibit which has been introduced into evidence may file a claim for such exhibit within thirty (30) days after trial. The presiding judge shall determine the validity of such claim and determine the manner and timing of disposition.

400—499. Judicial Appointments.

401. Petitions For Board of View.

A. Content of Petition.

1. Petitions filed for the appointment of a Board of View shall cite therein the statutory authority under which the board is being sought.

2. The petition shall identify persons having an interest in the appointment of the board, persons who will be legally impacted by the decision of such board, and any attorney who has a real or potential conflict of interest in the matter.

B. Delivery to the Court. Upon the filing of the petition with the Prothonotary, the petitioner(s) shall have the petition forwarded to the Court Administrator for processing.

C. The Board.

1. Boards of View shall generally be composed of three (3) persons, with the chairperson being an attorney licensed to practice in the Commonwealth of Pennsylvania whose principal office is located in Adams County.

2. The Court may revoke the appointment of the Board, or any member thereof, for whatever cause that the Court deems appropriate.

D. Deposit.

1. When the request for a Board of View concerns a private road or other circumstance where a party is statutorily responsible for such costs the Court shall, upon appointment of the Board of View, direct the petitioner to deposit a sum with the Prothonotary to cover the fees and expenses of the Board. That sum shall be from time to time designated by the President Judge but shall initially be set at \$1,000.00. No further action on the petition shall occur until the deposit is presented to the Prothonotary. The Prothonotary shall notify the chairperson of the Board of such receipt.

2. The Court may, at the request of the chairperson, direct that additional sums be deposited consistent with the services provided or to be provided by the Board. In such circumstance the proceedings shall be stayed pending receipt of the additional deposit, unless otherwise directed by the Court.

3. The Prothonotary shall maintain the deposit, pay fees and expenses therefrom as directed by the Court, and return any remaining balance to the petitioner within forty (40) days after the date of approval of the Report of the Board by the Court.

E. Compensation and Expenses.

1. Boards of View shall be compensated at a rate established from time to time by the Court.

2. A Petition For Compensation and Expenses shall be made by the Board of View at the time of the filing of its Report. A copy of that petition shall be served upon all parties of record, or their attorneys.

3. Compensation and expenses shall be approved by the President Judge, or designee.

F. Report. The Report of a Board of View shall be in writing and submitted to the Court within sixty (60) days of appointment of the Board. If the report cannot be completed and submitted within that period of time, the chairperson shall file a preliminary report with the Court explaining the reason(s) for the delay and setting forth the expected time needed to complete the report.

410. Petition For Appointment of Humane Society Police Officer.

Any person or entity seeking the appointment of a person to act as a humane society police officer pursuant to the provisions of 22 Pa.C.S.A. Sec. 3701, et. seq., shall file a petition in the Office of the Clerk of Courts setting forth verification that the proposed officer satisfies the requirements of the statute. Immediately after filing and docketing of the petition it shall be forwarded to the President Judge, or designee, for review. The Court will determine the sufficiency of the averments and whether the petition should be granted without the need for a hearing.

420. Petition For Appointment of School Police Officer.

Any school district seeking to have a person appointed as a school police officer pursuant to provisions of 24 P. S. Sec. 7-778 shall file a petition in the Office of Prothonotary. Immediately after filing and docketing of the petition, it shall be forwarded to the President Judge, or designee, for review. The Court will determine the sufficiency of the averments and whether the petition should be granted without the need for a hearing.

430. Guardian Ad Litem.

Any interested party may move, in the case wherein facts are of record, or may petition, in cases wherein facts are not of record, for the appointment of a guardian ad litem for any party in interest, not sui juris, by reason of infancy or otherwise. The fee for the guardian ad litem shall be set by the judge to whom the case is assigned, and shall be paid in the first instance by the moving or petitioning party. Thereafter, the judge may make such order as may be appropriate, including assessing the fees as costs in the case.

500—599. Appeals To Court.

501. Appeals From Government Agencies.

A. Whenever an appeal is filed from the final order of a governmental agency pursuant to provisions of 42 Pa.C.S.A. Sec. 933, the appeal shall have attached thereto a copy of said final order.

B. The Prothonotary or Clerk of Courts shall forward the file to the President Judge, or designee, on the thirty-first (31st) day following the filing of said appeal. The Court will then schedule a conference, hearing, or argument, or take such other action as may be deemed necessary or appropriate.

510. Land Use Appeals.

Whenever an appeal is filed pursuant to provisions of the Pennsylvania Municipalities Planning Code, 53 P. S. Sec. 10101, et. seq., the Prothonotary shall forward the file to the President Judge, or designee, on the thirty-first (31st) day following the filing of said appeal. The Court shall then schedule a conference or hearing or take such other action as may be deemed necessary or appropriate.

520. License Suspension Appeals.

A. All appeals from governmental action suspending or revoking licenses, rights or privileges, shall have attached thereto a copy of the suspension or revocation order.

B. Hearings for such appeals shall be held on a regularly scheduled Miscellaneous Court day.

530. Tax Assessment Appeals.

A. Caption.

1. A real estate tax assessment appeal from a decision of the Adams County Board of Assessment Appeals as to the amount of assessment for real estate tax purposes or to an exemption of real estate from payment of real estate taxes shall be captioned "Real Estate Tax Assessment Appeal" and shall be filed in the Office of the Prothonotary within the time prescribed by statute.

2. The caption shall designate the party taking the appeal as Appellant and the Adams County Board of Assessment Appeals as Appellee. If the appellant is a taxing authority it shall join the owner(s) of the real estate involved as of course as a party in the assessment appeal by designating such named owner(s) in the caption as Respondent(s).

B. *Joinder of Appeals.* Joinder of more than one real estate tax parcel in a single appeal be permitted only where the parcels are situate adjacent to each other, are titled in the name of the same owner(s), and have been joined for title and taxing purposes in a single deed.

C. *Contents of Appeal.* A Real Estate Tax Assessment Appeal shall contain the following:

1. A caption as proscribed above.
2. The name and address of the Appellant(s).

3. The name and address of all titled owners of the real estate.

4. The identity of the municipality and school district wherein the real estate is located.

5. Reference to the decision of the Adams County Board of Assessment Appeals from which the appeal is taken. A copy of the Board's notice of decision shall be attached as an exhibit.

6. A brief averment of the nature of and the reasons for the appeal.

7. The written signature of the Appellant(s). If the Appellant(s) is/are individuals but constitute(s) less than all titled owners of the real estate there shall be an averment whether the Appellant(s) is/are representing the interest of all the owners. If the Appellant is a corporation the person signing the appeal shall note his/her position in the corporation.

8. A verification consisting of a verified statement as "verified" is defined in Pa. R.Civ. P. No. 76.

D. *Service.* Appellant(s) shall serve copies of the appeal by certified or registered mail or by personal service upon the Board at its official office and, unless named as the appellant, the Board of County Commissioners of Adams County, and upon the respondent owner(s) of the real estate at said owner's last known address. Within ten (10) days after the filing of the Real Estate Tax Assessment Appeal the Appellant(s) shall file a proof of such service with the Prothonotary.

Comment: It is suggested, but not required, that the Appellant(s) provide service of the appeal upon the legislative governing body of the municipality and the board of school directors of the school district wherein the real estate is located at their respective official offices, or in the absence of any official office, at the last known address of the secretary of said body.

E. *Answer.* No answer or responsive pleading is required to be made by any person or entity entitled to service of a copy of the Appeal or any other pleading filed during the appeal unless otherwise directed by the Court.

F. *Amendment.* Amendment of any pleading shall be permitted as a matter of right up to the date of the pre-trial conference but after the pre-trial conference no amendment shall be permitted except upon approval by the Court.

G. *Intervention.*

1. The County of Adams or the proper municipality or school district not named as Appellee may intervene as of course during the pendency of the appeal by filing a Notice of Intervention with the Prothonotary.

2. The Notice of Intervention shall contain the name of the intervening party designated as Intervenor in the caption, and shall set forth that such identified party is intervening.

3. The intervenor shall serve copies of the Notice of Intervention personally or by ordinary mail upon Appellant(s), Appellee, any Respondent owner and any other intervening parties of record.

4. Within ten (10) days after the filing of the Notice of Intervention the intervenor shall file a proof of such service with the Prothonotary.

H. *Administrative Processing.* The Prothonotary shall forward the file to the President Judge, or designee, on the thirty (31st) day following the filing of the appeal.

I. *Pre-trial Conference.*

1. Upon receipt of the file from the Prothonotary the Court shall schedule a pre-trial conference or take such other action as may be deemed necessary or appropriate.

2. Each party shall file a pre-trial conference memorandum as directed by the Court.

3. An owner, attorney-at-law, or person with legal fiduciary responsibility, who has authority to settle the case must appear at the pre-trial conference.

J. *Discovery.* Pre-trial discovery is permitted as agreed upon by the parties or as directed by the Court.

K. *Settlement.* Any proposed settlement presented to the Court for approval shall indicate whether it is joined in by all owners, the County of Adams, and all relevant municipal taxing authorities. The settlement shall contain a proposed order directing that notice of the proposed settlement be given by ordinary mail to all owners or relevant municipal bodies who have not joined in the proposal giving them thirty (30) days from the date of mailing to object thereto or the proposed settlement will be considered approved by the Court.

540. Tax Sale Appeals.

All tax sale appeals shall be docketed in a manner which identifies the appeal by the tax sale number. Once the appeal is filed, a separate file for that appeal shall be maintained by the Prothonotary.

Comment: Generally, all tax sales for a given year are collectively docketed as filing year-S-file number. Appeals shall be filed to the same docket number but shall also note the sale number. An example would be 2012-S-235 (Sale No. 36).

550. Truancy Appeals.

All appeals filed by a parent, guardian, or person in parental relation from a summary conviction under provisions of the School Code, 24 P.S. Sec. 13-1333, for violation of the compulsory school attendance law shall be filed in the Office of the Clerk of Courts and shall be heard on a regularly scheduled Criminal Business Court day.

600—699. Miscellaneous Petitions.

601. Petitions For Exemption From Disability to Possess a Firearm.

A. Any person who is prohibited by law from possessing a firearm and who is seeking an exemption from such disability under provision of the Pennsylvania Uniform Firearms Act of 1995, 18 Pa. C.S.A. Sec. 6101, et. seq., and specifically under Section 6105 thereof, shall file a petition in the Office of the Prothonotary of Adams County. In addition to any other provision of law, the petition shall include:

1. Averment(s) stating the reason(s) the petitioner is prohibited from possessing a firearm and shall attach, as an exhibit, any supporting documentation.

2. Averment(s) stating the reason(s) the petitioner believes he/she is entitled to exemption.

3. The identity of all persons entitled to notice of the proceeding.

4. An averment whether, by law, the hearing is to be open or closed to the public.

B. Within five (5) days after the filing of the petition, it shall be forwarded to the President Judge, or designee,

for the scheduling of a hearing or such other action as may be deemed necessary or appropriate.

610. Sale of Impounded Unclaimed Vehicles.

A. The Sheriff of Adams County shall, on a periodic basis, conduct sales of impounded unclaimed vehicles in conformity with the Pennsylvania Vehicle Code, specifically, 75 Pa.C.S.A. Sec. 6310(b). The following process shall be observed for the sale of said vehicles:

1. The Magisterial District Judge shall issue an order for the sale of the impounded, unclaimed vehicle and shall provide the Sheriff with a) a copy of said order, b) the name and address of each known owner, lienholder, and secured party of the vehicle, c) the appropriate law enforcement officer involved, d) the identity of any constable or towing agent involved, e) the location where the vehicle is impounded, f) any unpaid fines and costs owing to the Magisterial District Court and g) any known costs as described in 75 Pa.C.S.A. Sec. 6309, 6309.1 and 6309.2.

2. Upon receipt of the information provided in paragraph A.1., above, the Sheriff shall serve notice upon owners, lienholders and secured parties as required by 75 Pa.C.S.A. Sec. 6310(b). The Sheriff shall also notify the law enforcement officers, constables, towing agent, and impound official, if any, of the date and time of sale together with a request for verification of any unpaid costs incurred by said entity pursuant to statute for the seizure, towing, impounding or storage of said vehicle.

3. If the identity or address of an owner is unknown or notice has been returned as undeliverable notice of the sale shall be given by the Sheriff by publication once in the Adams County Legal Journal and in one local newspaper of general circulation.

4. On the date established for the sale of such vehicles the Sheriff shall conduct said sale in accordance with normal personal property sale procedures.

5. Following the sale the proceeds of sale shall first be applied to the costs incurred by the Sheriff for the sale, secondly, to the payment of all fines and costs, and thirdly to the payment of encumbrances. The balance, if any, shall be remitted to the owner.

6. At any time during this process the Sheriff shall have the right to discontinue the sale if there is reasonable basis to conclude that the cost incurred or to be incurred by the Sheriff shall exceed the amount reasonably expected to be offered at sale. In such circumstance the Sheriff shall notify the Magisterial District Judge in writing of the basis for that conclusion. Thereafter the Sheriff shall only be required to proceed to sale if the Sheriff's costs are guaranteed in a manner deemed acceptable by the Sheriff.

[Pa.B. Doc. No. 12-2140. Filed for public inspection November 2, 2012, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Administrative Suspension

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated September 19, 2012, pursuant to Pennsylvania Rules of Disciplinary Enforcement 219 which requires that all attorneys admitted to

practice in any court of this Commonwealth must pay an annual assessment of \$200.00. The Order became effective October 19, 2012.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Abdur-Razzaq, Jacqueline Ola
Sicklerville, NJ

Aham-Neze, L. Obioma
Houston, TX

Alexander, Tammie Clark
Morgantown, WV

Aronson, Louis Michael
Bethesda, MD

Ballmann, Bryan Worthington
Ellicott City, MD

Barber, Linda M.
Mayville, NY

Bard, Teri Lynne
Milville, NJ

Baughman, James K.
Eastham, MA

Betts, Daniel William
Austin, TX

Blanchard, Holly Rebecca
Burlington, VT

Bowman, Eric Reginald
Scottsdale, AZ

Boyer, Veronica Lee
New York, NY

Breit, William David
Virginia Beach, VA

Brenner, Joan
Bethesda, MD

Brent, Adam Luke
Franklinville, NJ

Brentzel, Cathy Marie
Washington, DC

Bridges, Alfred Wesley, Jr.
Bordentown, NJ

Brinkerhoff, George Robert
Medford, NJ

Brown, David Jackson
North Bethesda, MD

Bustard, Michael Ross
Woolwich Town, NJ

Candia, Eileen M.
Princeton, NJ

Capriglione, Scott J.
Ewing, NJ

Carpene, Gregg Frederic
Princeton, NJ

Carter, Clinton Chadwell
Montgomery, AL

Chan, Tom Y.
China

Choi, Jacqueline
New York, NY

Clarke, Nadira Washington, DC	Gilmartin, Ralph Brian New York, NY
Clifford, Samantha Ann Westmont, NJ	Gizis, Dana Marie Oxford, NJ
Cobb, Deirdre L. Webster Trenton, NJ	Gnudi, Kalocsay Robyn Maria Fort Lee, NJ
Cohen, Robert T. Cherry Hill, NJ	Gosin, Barry Elliott Tampa, FL
Crotty, James Michael Rockville, MD	Gray, Elizabeth Alexandra Worthington, OH
Crozier, Valerie Lyn St. Louis, MO	Greal, Francis P., Jr. Arlington, VA
Curtin, Edward Valrico, FL	Green, Richard Edward Cherry Hill, NJ
Daly, Michael Gerard, Jr. Cherry Hill, NJ	Grosvenor, Nicole Patricia Deptford, NJ
De Stefano, Rhonda Caldwell, NJ	Grubb, Amy Michelle Corona del Mar, CA
Diaz, Joseph Sean Voorhees, NJ	Gurjal, Tushar Abhay Washington, DC
Dixon, Heather Suzanne New York, NY	Harrington, Tim J., Jr. Fort Worth, TX
Donahue, William H., Jr. Westmont, NJ	Hayes, Ryan Daniel Boston, MA
Edwards, Karlene K. Astoria, NY	Hlesciak, Jeffrey P. Lawrenceville, NJ
Enos, Gregory Edward Rochester, NY	Holloway, Charlisa M. Middletown, DE
Epps, Andrea Nichole Los Angeles, CA	Hyland, Stephen James Cherry Hill, NJ
Ermola, Roger Joseph, II Linden, NJ	Ibe, Peter C. Washington, DC
Eves, Brian Christopher Lambertville, NJ	Jackson, Jammie Nicole Sicklerville, NJ
Ezekoye, Nnenna Iruka Austin, TX	Jackson-Woods, Catherine Collingswood, NJ
Fay, Thomas P. Mullica Hill, NJ	Jamison, Wendy Yvette Wilmington, DE
Feigles, Storm Gray Towson, MD	Jones, Kermit Santa Ana, CA
Fishbein, Aaron Frederick Ridgewood, NJ	Kane, James Patrick Jr. Trenton, NJ
Fitzsimmons, Tracy Diane Sammamish, WA	Kavjian, Judy Lynn McLean, VA
Fox, Karen Anne New York, NY	Keltos, Robert Joseph Marlton, NJ
Fratianne, Anthony T. Portland, ME	Kelty, Jon David Jamesburg, NJ
Frederick, Laura Ann Seal Beach, CA	Klayman, Joshua Ashley New York, NY
Freedman, Steven B. Lawrence, KS	Kloecker, Michelle M. Bloomsbury, NJ
Fuoco, Philip S. Sarasota, FL	Kluchnick, Kimberley Stuart Haddon Heights, NJ
Gaughan, Vincent Joseph Mount Holly, NJ	Kreitzberg, Amy M Centreville, VA
Gehring, Holly Sue Arnold, MD	Lamason, Fielding Ewing, Jr. Vashon, WA

Lambert, Helen Brandy Las Vegas, NV	Pfister, Timothy J. New York, NY
Lao, Ramon Stafford, VA	Piccone, Louis Alfred Dalton, MA
Leather, Robert N. Pennsauken, NJ	Ponce, Susan M. Houston, TX
Lehman, Megan Elizabeth Quincy, MA	Pruchnik, Walter C., Jr. Clermont, FL
Lenahan, Sheila Siobhan Taunton, MA	Puri, Asheesh P. Voorhees, NJ
Levy, Kathryn Jane Alexandria, VA	Roazen, Matthew Daniel Bradenton, FL
Lights, Philip A. Brooklyn, NY	Rochkind, Eric Bradley Mount Laurel, NJ
Looby, Margaret Mary Virginia Beach, VA	Rozanski, Maureen Michelle Voorhees, NJ
Mallace, Anthony N. Audubon, NJ	Rubenstein, Samuel G. Arlington, VA
Maloney, Therese Anne Lansing, MI	Rys, William A. Alexandria, VA
Manuel-Coughlin, Jill Moorestown, NJ	Saint-Cyr, Stephanie P. Moorestown, NJ
McCartney, James William San Juan, PR	Sand, Robert A. Mount Laurel, NJ
McCuskey, Elizabeth Young San Diego, CA	Saville, Stephen A. Bear, DE
McDonald, Michael F Fairfax, VA	Schober, Alison Elizabeth Voorhees, NJ
McGuire, Joseph W. Mount Laurel, NJ	Scott, Andrea K. Los Angeles, CA
Mellas, Lisa Woodbury, NJ	Shah, Dipa S. Valrico, FL
Millar, Fredrick Lloyd Cherry Hill, NJ	Sheinkin, Sara Danielle New York, NY
Miller, Joshua Dallas Sacramento, CA	Skaler, Isabelle R. Cherry Hill, NJ
Milner, C. George, III Wheeling, WV	Smith, Gary Wayne Woodsfield, OH
Mkua, Adele Long Beach, CA	Steele, Rebecca Harrison Portland, ME
Moazed, Shirine E. Arlington, VA	Stevens, Walter S. Vista, CA
Nager, Leigh Hyer Baltimore, MD	Suber, Elke Flores Redmond, W
Nasshorn, Lindsay New York, NY	Sutton, Tricia Divido Newnan, GA
Nicely, Thomas Michael Trenton, NJ	Taney, Francis Xavier, Jr. Cherry Hill, NJ
Niemczura, Jeffrey Alan Cleveland Heights, OH	Timoshenko, Victor Great Neck, NY
O'Brien, John F., III Mashpee, MA	Toth, Geza Flushing, NY
Olsen, Christopher George Mount Laurel, NJ	Trainor, Brian John Newark, NJ
Pan, Wenseng China	Tuffet, Jean Paulson Tampa, FL
Petraglia, James F. Columbiana, OH	Valente, Anthony Joseph, II Gibbstown, NJ

Varndell, Therese Boisvert
Reston, VA

Walker, Earle Henry
Bloomfield, CT

Wang, Christina J.
Niskayuna, NY

Welter, Joseph
East Amherst, NY

Wilks, David Edwin
Wilmington, DE

Wilson, Brian Rommel
Durham, NC

Wojcik, Victor L.
Northville, MI

Zaldivar, Carlos Miguel
Miami, FL

Zimmerman, Gaynne Georgina
Arlington, VA

Zucker, Scott Robert
Annandale, VA

SUZANNE E. PRICE,
Attorney Registrar
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 12-2141. Filed for public inspection November 2, 2012, 9:00 a.m.]

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF VETERINARY MEDICINE

[49 PA. CODE CH. 31]

Professional Conduct; Notice of Animal Supervision

The State Board of Veterinary Medicine (Board) amends § 31.21 (relating to Rules of Professional Conduct for Veterinarians) to read as set forth in Annex A.

Effective Date

The amendment will be effective upon final-form publication in the *Pennsylvania Bulletin*.

Statutory Authority

Section 5(1) and (2) of the Veterinary Medicine Practice Act (act) (63 P. S. § 485.5(1) and (2)) authorizes the Board to adopt reasonable rules and regulations of professional conduct appropriate to establish and maintain a high standard of integrity, skills and practice in the profession of veterinary medicine.

Summary of Comments to Proposed Rulemaking and the Board's Response

The Board published notice of proposed rulemaking at 41 Pa.B. 4982 (September 17, 2011) and requested public comments. The Board received one comment from the public. The Pennsylvania Veterinary Medical Association (PVMA) wrote that it was very supportive of the goal of ensuring that clients are aware of any time during which their pets are unattended. Nevertheless, PVMA noted that a significant proportion of its membership was uncomfortable with the requirement that veterinarians provide notice to clients of the level of supervision that will be provided at all times. By way of example, PVMA stated that if a client were to drop a pet off at 7 a.m. and the doctor was not scheduled to arrive until 9 a.m., it would be necessary to provide notification to the client to that effect. PVMA suggested that if the pet is never left alone, there should not be a requirement to inform the client what type of employee would supervise the client's pet.

The Board amended the proposed rulemaking to apply only to periods of time when the veterinarian's office is closed. The Board believes that there are very few practices that close in the middle of the day (rather than overnight) so notification will generally be limited to overnights and weekends. For practices that close in the middle of the day, a simple oral notification to the client when he drops off the animal would be sufficient, for example, the practice is closed during the lunch hour at which time the animal will be secured in a kennel but without supervision. The Board does not view this as an unreasonable hardship on its licensees, particularly when balanced against the benefit to clients knowing whether a hospitalized animal will be monitored overnight or over a weekend.

The House Professional Licensure Committee (HPLC) reviewed the proposed rulemaking at a meeting on October 26, 2011, and did not submit comments to the Board. The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not submit comments. The Independent Regulatory Review Commission (IRRC) informed the Board on November 16, 2011, that it did not have objections, comments or recommendations to offer on the proposed rulemaking.

Description of Amendments to the Final-Form Rulemaking

Section 31.21 requires a veterinarian who keeps a client's animal while the practice is closed (including evenings and weekends) to inform the animal's owner whether a veterinarian, certified veterinary technician or unlicensed veterinary assistant will be on the premises with the animal and what level of monitoring will be provided to the animal.

Fiscal Impact and Paperwork Requirements

The final-form rulemaking may have a small fiscal and paperwork impact on licensees who choose to provide written notice to their clients. The Board believes that the final-form rulemaking will not have other fiscal or paperwork impact on licensees, the Board or another Commonwealth entities.

Sunset Date

The Board continuously monitors its regulations. Therefore, a sunset date has not been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 6, 2011, the Board submitted a copy of the notice of proposed rulemaking, published at 41 Pa.B. 4982, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC, the HPLC, the SCP/PLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on September 19, 2012, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 20, 2012, and approved the final-form rulemaking.

Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) The amendments to the final-form rulemaking do not enlarge the purpose of proposed rulemaking published at 41 Pa.B. 4982.

(4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in this preamble.

Order

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 31, are amended by amending § 31.21 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

ROBIN J. BERNSTEIN, Esq.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 6352 (October 6, 2012).)

Fiscal Note: Fiscal Note 16A-5725 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 31. STATE BOARD OF VETERINARY MEDICINE

PROFESSIONAL CONDUCT

§ 31.21. Rules of Professional Conduct for Veterinarians.

* * * * *

Principle 7. Responsibility to clients and patients.

* * * * *

(h) If a client requests referral to another veterinarian or veterinary hospital, the attending veterinarian shall honor the request and facilitate the necessary arrangements, which includes forwarding copies of the veterinary medical records of the animal in a reasonable period of time to the other veterinarian or veterinary hospital.

(i) A veterinarian who keeps a client's animal while the practice is closed (including evenings and weekends) shall inform the client, either orally or in writing, whether a veterinarian, certified veterinary technician or veterinary assistant will be on the premises and what level of monitoring the animal will receive during that time.

Principle 8. Drugs.

* * * * *

[Pa.B. Doc. No. 12-2142. Filed for public inspection November 2, 2012, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Adjustment to Definition of "Base Figure" in the Loan Interest and Protection Law

The Department of Banking and Securities (Department), as required by the definition of "base figure" in section 101 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 101), known as the Loan Interest and Protection Law, is publishing the following notice regarding the inflation-adjusted base figure for the calendar year 2013. The Department has determined that the current base figure of \$230,110 adjusted for annual inflation using the "Consumer Price Index—All Urban Consumers: U.S. All Items 1982-84 = 100" published by the United States Department of Labor Bureau of Labor Statistics results in a base figure of \$234,692. This new base figure will be effective January 1, 2013, for the calendar year 2013.

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 12-2143. Filed for public inspection November 2, 2012, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, November 14, 2012, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Joe Graci at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should con-

tact Deb Miller directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

RICHARD J. ALLAN,
Secretary

[Pa.B. Doc. No. 12-2144. Filed for public inspection November 2, 2012, 9:00 a.m.]

DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS

Pennsylvania Advisory Council on Drug and Alcohol Abuse Meeting

The Pennsylvania Advisory Council on Drug and Alcohol Abuse (Council) will hold a public meeting on November 7, 2012, from 1 p.m. to 3:30 p.m. at the Giant Food Store Community Center—Blue Mountain Commons, 2nd Floor, Blue Mountain and Dauphin Meeting Rooms, 2300 Linglestown Road, Harrisburg, PA 17110, (717) 545-0489. The meeting is open to the public. For additional information, visit the Department of Drug and Alcohol Programs' (Department) web site at www.ddap.pa.gov.

The primary focus of this Council meeting is for the Council members to meet to discuss current drug and alcohol issues and challenges facing this Commonwealth and to serve in an advisory capacity to the Department on these issues.

For additional information, visit the web site or contact Roseann Deutsch, Chief, Administrative Section at (717) 783-8200.

Persons with disabilities who wish to attend the meeting and require an auxiliary aid, service or other accommodation should contact Roseann Deutsch at (717) 783-8200.

This meeting is subject to cancellation without notice.

GARY TENNIS, Esq.,
Secretary

[Pa.B. Doc. No. 12-2145. Filed for public inspection November 2, 2012, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in

accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

I. NPDES Renewal Applications

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0033740 (Sewage)	Whispering Hollow South MHP 139 Country Club Road Northampton, PA 18067	Northampton County Allen Township	Unnamed Tributary to Hokendauqua Creek (02C)	Y
PA0062880 (Sewage)	KidsPeace Orchard Hills Campus 5300 KidsPeace Drive Orefield, PA 18069	Lehigh County North Whitehall Township	Jordan Creek (2-C)	Y

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0261068 (CAFO)	Meadow Lane Dairy 3392 Blue Rock Road Lancaster, PA 17603	Lancaster County / Manor Township	West Branch of Little Conestoga Creek / TSF	Y

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0100129 (Sewage)	Seneca Hills Campground 276 Damascus Road Polk, PA 16342	Venango County Victory Township	Sandy Creek (16-G)	Y

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401

PA0053392, Storm Water, SIC Code 4581, **UPS, Inc.**, 1 Hog Island Road, Philadelphia, PA 19153-3996. Facility Name: UPS Air Terminal and Distribution Center. This existing facility is located in Tinicum Township, **Delaware County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Storm Water.

The receiving stream(s), Delaware River, is located in State Water Plan watershed 3-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on an average stormwater flow.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Annual Average</i>	<i>Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX
Propylene Glycol	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on an average stormwater flow.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Annual Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH	XXX	XXX	6.0	XXX	XXX	9.0
Oil and Grease	XXX	XXX	XXX	15	XXX	30

The proposed effluent limits for Outfall 003 are based on an average stormwater flow.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Annual Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH	XXX	XXX	6.0	XXX	XXX	9.0
Oil and Grease	XXX	XXX	XXX	15	XXX	30

The proposed effluent limits for Outfall 004 are based on an average stormwater flow.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Annual Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH	XXX	XXX	6.0	XXX	XXX	9.0
Oil and Grease	XXX	XXX	XXX	15	XXX	30

In addition, the permit contains the following major special conditions:

- A. Change in Ownership
- B. Fire Sprinkler System Discharge
- C. Laboratory Certification
- D. EDMR Requirement
- E. Stormwater Condition

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

PA0056766, Storm Water, SIC Code 4581, **City of Philadelphia Department of Commerce—Division Of Aviation**, Terminal E, Philadelphia, PA 19153. Facility Name: Philadelphia International Airport. This existing facility is located in City of Philadelphia, **Philadelphia County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of Storm Water associated with industrial activities.

The receiving stream(s), Delaware River, Unnamed Tributary to Delaware River and Unnamed Tributary to Mingo Creek, is located in State Water Plan watershed 3-F and 3-G and is classified for Warm Water Fishes, Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on stormwater.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)						
Dec 1 - Jun 30	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)						
Dec 1 - Jun 30	XXX	XXX	6.0	XXX	XXX	9.0
CBOD ₅						
Dec 1 - Jun 30	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand						
Dec 1 - Jun 30	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Dec 1 - Jun 30	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease						
Dec 1 - Jun 30	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N						
Dec 1 - Jun 30	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Dec 1 - Jun 30	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen						
Dec 1 - Jun 30	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus						
Dec 1 - Jun 30	XXX	XXX	XXX	Report	XXX	XXX
Total Iron						
Dec 1 - Jun 30	XXX	XXX	XXX	Report	XXX	XXX
Total Potassium						
Dec 1 - Jun 30	XXX	XXX	XXX	Report	XXX	XXX
Acetic Acid						
Dec 1 - Jun 30	XXX	XXX	XXX	Report	XXX	XXX
Ethylene Glycol						
Dec 1 - Jun 30	XXX	XXX	XXX	Report	XXX	XXX
Propylene Glycol						
Dec 1 - Jun 30	XXX	XXX	XXX	Report	XXX	XXX
Urea						
Dec 1 - Jun 30	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 005 are based on stormwater.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)						
Dec 1 - Jun 30	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)						
Dec 1 - Jun 30	XXX	XXX	6.0	XXX	XXX	9.0
CBOD ₅						
Dec 1 - Jun 30	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand						
Dec 1 - Jun 30	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Dec 1 - Jun 30	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease						
Dec 1 - Jun 30	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N						
Dec 1 - Jun 30	XXX	XXX	XXX	Report	XXX	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Ammonia-Nitrogen						
Dec 1 - Jun 30	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen						
Dec 1 - Jun 30	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus						
Dec 1 - Jun 30	XXX	XXX	XXX	Report	XXX	XXX
Total Iron						
Dec 1 - Jun 30	XXX	XXX	XXX	Report	XXX	XXX
Total Potassium						
Dec 1 - Jun 30	XXX	XXX	XXX	Report	XXX	XXX
Acetic Acid						
Dec 1 - Jun 30	XXX	XXX	XXX	Report	XXX	XXX
Ethylene Glycol						
Dec 1 - Jun 30	XXX	XXX	XXX	Report	XXX	XXX
Propylene Glycol						
Dec 1 - Jun 30	XXX	XXX	XXX	Report	XXX	XXX
Urea						
Dec 1 - Jun 30	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 101 are based on stormwater.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average</i>	<i>Maximum</i>	<i>Instant. Maximum</i>
Oil and Grease	XXX	XXX	XXX	15	30	XXX
TRPH	XXX	XXX	XXX	15	30	XXX

The proposed effluent limits for Outfall 201 are based on stormwater.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average</i>	<i>Maximum</i>	<i>Instant. Maximum</i>
Oil and Grease	XXX	XXX	XXX	15	30	XXX
TRPH	XXX	XXX	XXX	15	30	XXX

In addition, the permit contains the following major special conditions:

I.

- A. Remedial Measures (Public Nuisance)
- B. BAT/ELG Reopener Clause
- C. Property Rights
- D. Change of Ownership
- E. TMDL/WLA Analysis
- F. Laboratory Certification
- G. Sludge disposal
- H. Product Contaminated Storm Water Runoffs
- I. Tank Bottom Water
- J. Definitions
- K. BMPs for Petroleum Marketing Terminals
- L. No urea requirement

II. Requirements applicable to stormwater outfalls

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

PA0025437, Sewage, SIC Code 4952, **North Coventry Municipal Authority**, 1485 East Schuylkill Road, Pottstown, PA 19464. Facility Name: N Coventry Township STP. This existing facility is located in North Coventry Township, **Chester County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Schuylkill River, is located in State Water Plan watershed 3-D and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.01 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Inst. Min.</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Max.</i>
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅						
(May 1 - Oct 31)	335	503	XXX	20	30	40
(Nov 1 - Apr 30)	419	671	XXX	25	40	50
Total Suspended Solids	503	754	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen						
(5/1 to 10/31)	168	XXX	XXX	10	XXX	20
(11/1 to 4/30)	335	XXX	XXX	20	XXX	40
Total Phosphorus	34	XXX	XXX	2.0	XXX	4.0

In addition, the permit contains the following major special conditions:

- PCBs PMP Requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is not in effect.

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

PA0008664, Industrial Waste, SIC Code 4911, **UGI Development Company**, 390 US Rt. 11, Hunlock Creek, PA 18621. Facility Name: Hunlock Creek Energy Center. This existing facility is located in Hunlock Township, **Luzerne County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Industrial Wastewater including Non-contact cooling water, blow down, low volume wastewater and sewage.

The receiving stream(s), Susquehanna River, Unnamed Stream and Unnamed Tributary to Hunlock Creek, is located in State Water Plan watershed 5-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 50.5 MGD of non-contact cooling water.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	report	report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	XXX	0.2	XXX
Temperature (°F)	XXX	XXX	XXX	XXX	Max 99	XXX
Oil and Grease	XXX	XXX	XXX	15.0	Max 20.0	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	Total Mo					
Effluent Net	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	Report	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX Total Annual	XXX	Report	XXX	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Ammonia-Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	Total Mo XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	Total Mo XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	Total Mo					
Total Phosphorus Effluent Net	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	Total Mo XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Aluminum	XXX	XXX	XXX	Report	Report	XXX
Total Iron	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0.16 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	XXX	0.2 Max	XXX
Free Available Chlorine	XXX	XXX	XXX	0.2	XXX	0.5
Total Suspended Solids	XXX	XXX	XXX	30	XXX	100
Oil and Grease	XXX	XXX	XXX	15	20.0	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	Total Mo XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen Effluent Net	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	Total Mo XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	Total Mo XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	Total Mo XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	Total Mo XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	Total Mo					
Total Phosphorus Effluent Net	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	Total Mo XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Aluminum	XXX	XXX	XXX	Report	Report	XXX
Total Chromium	XXX	XXX	XXX	0.2	0.2	XXX
Total Iron	XXX	XXX	XXX	Report	Report	XXX
Total Zinc	XXX	XXX	XXX	1.0	1.0	XXX

The proposed effluent limits for Outfall 004 are based on a design flow of 0.00357 MGD of treated sewage.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	1.0	XXX	2.0
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	Total Mo XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Nitrogen	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	Report Total Annual	XXX	XXX	XXX	XXX

In addition, the permit contains the following major special conditions:

- Chemical additives
- Chesapeake Bay monitoring
- Stormwater
- Cooling Intake

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

PA0261912, Sewage, SIC Code 5812, **Scooters Mountainside Tavern LLC**, 4587 Chambersburg Road, Biglerville, PA 17307. Facility Name: Scooters Mountainside Tavern. This proposed facility is located in Franklin Township, **Adams County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage.

The receiving stream(s), Dry Swale to Marsh Creek, is located in State Water Plan watershed 13-D and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0015 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>		<i>Instant. Maximum</i>
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD ₅	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	Geo Mean Report	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

PA0261378 A-1, Sewage, SIC Code 447110, **Sheetz Inc.**, 5700 Sixth Avenue, Altoona, PA 16602. Facility Name: Sheetz Clarks Ferry Store 461. This existing facility is located in Reed Township, **Dauphin County**.

Description of Existing Activity: The application is for an amendment of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Susquehanna River, is located in State Water Plan watershed 6-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0075 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>		<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Geo Mean 0.5	XXX	1.0
Total Nitrogen	XXX	XXX	XXX	5	XXX	10

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Concentration (mg/l)</i>		
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen	Report	38	XXX	XXX	XXX
Net Total Phosphorus	Report	3.8	XXX	XXX	XXX

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

Southwest Regional Office: Regional Manager, Clean Water, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; 412-442-4000

PA0254606, Sewage, **Saltsburg Borough**, 320 Point Street, Saltsburg, PA 15681. Facility Name: Saltsburg STP. This proposed facility is located in Saltsburg Borough, **Indiana County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated Sewage.

The receiving stream(s), Conemaugh River, is located in State Water Plan watershed 18-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.2 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	0.2	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.0
CBOD ₅	Report	Report	XXX	25	38	50
		Wkly Avg				
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	Report	Report	XXX	30	45	60
		Wkly Avg				
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		

In addition, the permit contains the following major special conditions: The permittee is permitted to discharge through Combined Sewer Overflows (CSOs) 002,003,004,005 and 006 to the Conemaugh River

The EPA Waiver is in effect.

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

WQM Permit No. 0109202, Amendment 12-1, Industrial Waste, **Knouse Foods Cooperative, Inc.**, Hilltop 2 Spray Field, 800 Peach Glen-Idaville Road, Peach Glen, PA 17375.

This proposed facility is located in Tyrone & Huntingdon Townships, **Adams County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction / operation of a spray irrigation field at Knouse's Peach Glen Plant. The site, known as Hilltop 2, has approximately 22.89 acres of available field, of which 21.4 acres will be wetted. The system will include a new pump house, forcemain, and distribution system capable of supplying up to 900 gallons per minute (gpm) to multiple zones within the spray irrigation field. Tail water from the system will be collected and returned to the existing Pond 3 via three (3) duplex pump stations. Fixed sprinklers will be used to distribute pre-treated effluent evenly within in the zones.

Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

WQM Permit No. 0212401, Sewerage, **Chatham University**, Woodland Road, Pittsburgh, PA 15232

This proposed facility is located in Richland Township, **Allegheny County**

Description of Proposed Action/Activity: Application for the construction and operation of a sewage treatment plant.

WQM Permit No. 5612402, Sewerage, **Ursina Borough**, 418 Park Street, Confluence, PA 15424

This proposed facility is located in Ursina Borough, **Somerset County**

Description of Proposed Action/Activity: Application for the construction and operation of a sewage treatment plant.

WQM Permit No. WQG026189, Sewerage, **North Huntingdon Township Municipal Authority**, 11265 Center Highway, North Huntingdon, PA 15642

This proposed facility is located in North Huntingdon Township, **Westmoreland County**

Description of Proposed Action/Activity: Application for the construction and operation of a sewer system.

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 151235	Lighthouse Youth Center PO Box 38 Oxford, PA 19363	Chester	Oxford Borough	Little Elk Creek (HQ-TSFMF)
PAI01 151236	Hearne Harkwoods 200 Whiteside Drive Oxford, PA 19363	Chester	Lower Oxford Township	Unnamed Tributary West Branch Big Elk Creek (HQ-TSF-MF)
PAI01 231207	Mar-J Properties, LLC 114 Yearsley Mill Road Media, PA 19063	Delaware	Middletown Township	Rocky Run (HQ-CWF-MF)
PAI01 5106002-R—Phase 28	Philadelphia International Airport Terminal D-E Philadelphia, PA 19153	Philadelphia	City of Philadelphia	Delaware River (WWF)
PAI01 511206	Green Woods Charter School 119 Rector Street Philadelphia, PA 19127	Philadelphia	City of Philadelphia	Unnamed Tributary Schuylkill River (WWF-MF)

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.**Northampton County Conservation District: 14 Gracedale Ave., Greystone Building, Nazareth, PA 18064, 610-746-1971.*

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024812013	John Forde Palmerview Acquisition, L.P. 770 Township Line Rd. Ste. 150 Yardley, PA 19067	Northampton	Palmer Twp.	Shoeneck Creek, WWF, MF

Lehigh County Conservation District: Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Road, Allentown, PA 18104, 610-391-9583.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023912022	William Mayo, Jr. Big Bear Management Fund c/o 1-A Realty, Inc. 7475 Hamilton Blvd. P. O. Box 8 Trexlerstown, PA 18087	Lehigh	Lower Macungie Twp.	Little Lehigh Creek, HQ-CWF, MF

VII. List of NOIs for NPDES and/or Other General Permit Types

PAG-12 CAFOs

**PUBLIC WATER SUPPLY (PWS)
PERMITS**

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed per-

mit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER**Applications Received Under the Pennsylvania Safe Drinking Water Act**

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Permit No. 3612533, Public Water Supply.

Applicant **Knightscove Properties**
 Municipality **Fulton Township**
 County **Lancaster**
 Responsible Official Thomas P. Knight, Principal
 PO Box 274
 Port Deposit, MD 21904
 Type of Facility Public Water Supply
 Consulting Engineer Charles A Kehew II, P.E.
 James R. Holley & Associates, Inc.
 18 South George Street
 York, PA 17401
 Application Received: 10/3/2012
 Description of Action Installation of chlorine contact tanks, demonstration of 4-log treatment of viruses and authorization of nitrate treatment system.

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

Permit No. 2612504, Public Water Supply.

Applicant **Pennsylvania American Water Company**
 300 Galley Road
 McMurray, PA 15317
 [Township or Borough] Connellsville Township
 Responsible Official Scott Hilty, Engineer
 Pennsylvania American Water Company
 300 Galley Road
 McMurray, PA 15317
 Type of Facility Water system
 Consulting Engineer Bankson Engineers, Inc.
 267 Blue Run Road
 PO Box 200
 Indianola, PA 15051
 Application Received Date October 22, 2012
 Description of Action Construction of two water booster pump stations located along Springfield Pike (SR 711).

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790

Application No. 4512504MA

Applicant **Pennsylvania-American Water Co.**
 [Township or Borough] Middle Smithfield Township
Monroe County

Responsible Official David R. Kaufman, VP
 Engineering
 Pennsylvania-American Water Co.
 800 West Hersheypark Drive
 Hershey, PA 17033
 Type of Facility Community Water System
 Consulting Engineer Daniel G. Rickard, PE
 Pennsylvania-American Water Co.
 100 North Pennsylvania Avenue
 Wilkes-Barre, PA 18701
 570-830-6531
 Application Received Date October 5, 2012
 Description of Action Application for construction of a chlorine contact segment to meet the Groundwater Rule requirements for the Mid-Monroe CWS Well Nos. 3 & 5.

Application No. 2400068

Applicant **Paul J. Goettner**
 [Township or Borough] Foster Township
Luzerne County
 Responsible Official Paul J. Goettner
 239 Main Street, Suite 203
 East Greenville, PA 18041
 215-679-4784
 Type of Facility Community Water System
 Consulting Engineer NA
 Application Received Date October 1, 2012
 Description of Action Application to transfer PWS Operation Permit No. 2400068 for Hyland Mobile Home Park to Paul J. Goettner.

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

Application No. 6512514MA, Minor Amendment.

Applicant **Highridge Water Authority**
 17 Maple Avenue
 Blairsville, PA 15717
 [Township or Borough] Brush Valley Township
 Responsible Official George Sulkosky, Executive
 Director
 Highridge Water Authority
 17 Maple Avenue
 Blairsville, PA 15717
 Type of Facility Water system
 Consulting Engineer Gibson-Thomas Engineering Co.,
 Inc.
 1004 Ligonier Street
 PO Box 853
 Latrobe, PA 15650
 Application Received Date October 2, 2012
 Description of Action Installation of approximately 14,500 feet of waterline (Roundtop, Cresswell and Meyers Roads).

Application No. 3012505MA, Minor Amendment.

Applicant **Southwestern Pennsylvania Water Authority**
1442 Jefferson Road
PO Box 187
Jefferson, PA 15344

[Township or Borough] Center and Wayne Townships

Responsible Official John W. Golding, Manager
Southwestern Pennsylvania Water Authority
1442 Jefferson Road
PO Box 187
Jefferson, PA 15344

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
PO Box 200
Indianola, PA 15051

Application Received Date September 10, 2012

Description of Action Installation of approximately 21,700 feet of waterline (Oak Forest waterline project).

Application No. 0212525MA, Minor Amendment.

Applicant **Pennsylvania American Water Company**
852 Wesley Drive
Mechanicsburg, PA 17055

[Township or Borough] Bethel Park

Responsible Official Bruce Brubaker, Engineering Project Manager
Pennsylvania American Water Company
852 Wesley Drive
Mechanicsburg, PA 17055

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
PO Box 200
Indianola, PA 15051

Application Received Date October 23, 2012

Description of Action Painting and rehabilitation of the Rocky Ridge #20 water storage tank.

Application No. 0212526MA, Minor Amendment.

Applicant **Pennsylvania American Water Company**
852 Wesley Drive
Mechanicsburg, PA 17055

[Township or Borough] Liberty Borough

Responsible Official Bruce Brubaker, Engineering Project Manager
Pennsylvania American Water Company
852 Wesley Drive
Mechanicsburg, PA 17055

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
PO Box 200
Indianola, PA 15051

Application Received Date October 23, 2012

Description of Action Painting and rehabilitation of the Liberty Borough water storage tank.

Application No. 2612503MA, Minor Amendment.

Applicant **Pennsylvania American Water Company**
852 Wesley Drive
Mechanicsburg, PA 17055

[Township or Borough] South Union

Responsible Official Bruce Brubaker, Engineering Project Manager
Pennsylvania American Water Company
852 Wesley Drive
Mechanicsburg, PA 17055

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
PO Box 200
Indianola, PA 15051

Application Received Date October 23, 2012

Description of Action Painting and rehabilitation of the Hopwood water storage tank.

Application No. 2612501MA, Minor Amendment.

Applicant **North Fayette County Municipal Authority**
1634 University Drive
PO Box 368
Dunbar, PA 15431

[Township or Borough] Vanderbilt Borough

Responsible Official Robert Softcheck, General Manager
North Fayette County Municipal Authority
1634 University Drive
PO Box 368
Dunbar, PA 15431

Type of Facility Water system

Consulting Engineer K2 Engineering, Inc.
234 Pittsburgh Street
Uniontown, PA 15401

Application Received Date October 17, 2012

Description of Action Installation of approximately 3,000 feet of 12-inch diameter waterline.

Application No. 2612502MA, Minor Amendment.

Applicant **North Fayette County Municipal Authority**
1634 University Drive
PO Box 368
Dunbar, PA 15431

[Township or Borough]	Georges Township
Responsible Official	Robert Softcheck, General Manager North Fayette County Municipal Authority 1634 University Drive PO Box 368 Dunbar, PA 15431
Type of Facility	Water system
Consulting Engineer	K2 Engineering, Inc. 234 Pittsburgh Street Uniontown, PA 15401
Application Received Date	October 17, 2012
Description of Action	Installation of approximately 3,000 feet of 12-inch diameter and 1,730 feet of 6-inch diameter waterline.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907)

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may

request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Rose Marie Allison Estate, 2070 Enfield Street, Camp Hill, PA 17011, Camp Hill Borough, **Cumberland County**. Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of the Rose Marie Allison Estate, William Allison, Executor, 2070 Enfield Street, Camp Hill, PA 17011, submitted a Notice of Intent to Remediate sites soils and groundwater contaminated with fuel oil. The site will be remediated to the Site Specific and Residential Statewide Health standards, and remain residential.

MUNICIPAL WASTE GENERAL PERMITS

Application received Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.

South Central Regional Office: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

General Permit Application No. WMGM039SC003; WMGM039SC004; and WMGM039SC005. Pennsy Supply, Inc. 1001 Paxton Street, Harrisburg, PA 17105

The Southcentral Regional Office, Waste Management Program has received 3 applications for a determination of applicability (DOA) under Municipal Waste General Permit No. WMGM039 for the Pennsy Supply, Inc. located at Penn Township Quarry, 20 Pennsy Drive, Newville, PA in Penn Township, **Cumberland County**, also located at Prescott Quarry, 200 Prescott Road, Lebanon in South Lebanon Township in **Lebanon County** and also located at East Petersburg Quarry, 2472 East Lancaster Road, East Petersburg, PA in East Hempfield Township in **Lancaster County**. These DOAs are for the processing and beneficial use of post-consumer asphalt shingles (tear-offs) and pre-consumer asphalt shingles (i.e., imperfections, tabs, trimming scraps, etc., generated in the manufacturing of new asphalt shingles and damaged, unused shingles) as an ingredient in hot-mix and cold-mix asphalt paving material, a component of a sub-base material, as dust control on rural roads when applied with a binder, and as a component or ingredient

in fuel used in cement or manufacturing or in the generation of electricity or steam to be used at the quarry locations mentioned. These applications were determined to be administratively complete by the Southcentral Regional Office on October 18, 2012.

Comments concerning the application should be directed to John Oren, Facilities Manager, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Persons interested in obtaining more information about the general permit application may contact the Waste Management Program, 717-705-4706. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Application(s) for Determination of Applicability Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401

General Permit Application No. WMGR028SE001C. Allan A Myers, LP, dba Independence Construction Materials, (Harleysville Asphalt Plant), 460 Indian Creek Road, Harleysville PA 19438.

This application is for a Determination of Applicability under General Permit WMGR028 for the beneficial use of baghouse fines and/or scrubber pond precipitates, generated at Allan A. Myers, LP's Harleysville Asphalt Plant located in Lower Salford Township, **Montgomery County**, as an aggregate in roadway construction, an ingredient or component in cement or asphalt products, a soil additive or a soil conditioner. The application for Determination of Applicability was accepted as administratively complete by the Southeast Regional Office on October 17, 2012.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application Received Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401

Permit Application No. 301220. Clean Earth of Philadelphia, LLC, 3201 South 61st Street, Philadelphia PA 19153-3502. This minor permit modification application is seeking the approval to revise the facility's current pre-approval testing requirements for acceptance of residential soils containing virgin petroleum resulting from spills and leaks of storage tanks. The Clean Earth of Philadelphia, LLC is a residual waste processing facility located in the City of Philadelphia, **Philadelphia County**. The application was received by Southeast Regional Office on October 5, 2012.

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

Permit Application No. 101590-A121. Waste Management of Pennsylvania, Inc., Beach Lake Transfer Station, 165 Rosencranse Road, Beach Lake, PA 18405. A permit renewal application for the continued operation of this municipal solid waste transfer station located in Berlin Township, **Wayne County**. The application was received in the Regional Office on October 4, 2012 and was found to be administratively complete as of October 18, 2012.

Comments concerning the application should be directed to William Tomayko, Regional Waste Management Program Manager, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable

requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

65-00865C: DNP IMS America Corporation—Pittsburgh (101 Technology Drive, Mt. Pleasant, PA 15666-1766) for construction of a new four (4) station coating line and associated equipment at the facility in East Huntingdon, **Westmoreland County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

37-337A: Hickory Run Energy, LLC (NE intersection of McClelland and Edinburg Road, New Castle, PA 16102) for construction of a natural gas-fired combined cycle 900 MW electric generation facility consisting of two (2) combustion turbine generators, two (2) heat recovery steam generators, and some ancillary equipment in North Beaver Township, **Lawrence County**. This is a PSD application and this is a Title V facility.

43-363A: Pennex Aluminum Co. (93 Werner Road, Greenville, PA 16125-9499) for installation of two (2) melting furnaces, a holding furnace, two (2) homogenizing furnaces and three (3) billet saws in Sugar Grove Township, **Mercer County**.

43-364A: Combined Systems, Inc. (388 Kinsman Road, Jamestown, PA 16134) for operation of an existing mixing operation, granulation and sieving operation and pelletizing operation in Greene Township, **Mercer County**. The facility uses dust collection units to control particulate matter emissions and a carbon filtration unit to control VOC emissions.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

46-0031E: SmithKline Beecham Corporation—dba GlaxoSmithKline (1250 South Collegeville Road, Collegeville, PA 19420) for installation of oxidation catalyst on 7 existing non-emergency generators to comply with the CO emission reduction required by 40 C.F.R. Part 63 Subpart ZZZZ. GlaxoSmithKline is a Title V Facility. The Plan Approval will contain monitoring, recordkeeping and operating restrictions designed to minimize emissions and keep the facility operating within all applicable air quality requirements.

46-0035H: SmithKline Beecham Corporation—dba GlaxoSmithKline (709 Swedeland Road, King of Prussia, PA 19406) for installation of oxidation catalyst on 5 existing non-emergency generators to comply with the CO emission reduction required by 40 C.F.R. Part 63 Subpart ZZZZ. GlaxoSmithKline is a Title V Facility. The Plan Approval will contain monitoring, recordkeeping and operating restrictions designed to minimize emissions and keep the facility operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863

21-03023C: Ames True Temper, Inc. (465 Railroad Avenue, Camp Hill, PA 17011) for installation of a reinforced fiberglass plastic pultrusion line at their facility in Hampden Township, **Cumberland County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to the abovementioned company for the abovementioned project.

Plan Approval No. 21-03023C will provide for the installation of a pultrusion line, fabric filter and support equipment. The line will produce handles for lawn and garden hand tools. Facility hazardous air pollutant (HAP) emissions will be capped at 10 tons per year for individual HAP and 25 tons per year for total combined HAP. Actual emissions are expected to be well below those limits. Along with the emission limits, the plan approval will contain monitoring, recordkeeping, reporting and work practice standards to ensure the facility complies with all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Daniel C. Husted, PE, New Source Review Chief, may be contacted at 717-705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Plan approvals issued to sources identified in 25 Pa. Code § 127.44(b)(1)—(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

18-00021A: Avery Dennison Performance Polymers (171 Draketown Road, Mill Hall, PA 17751) for installation of a new recuperative thermal oxidizer (RTO) at their facility in Bald Eagle Township, **Clinton County** to control the air contaminant emissions from eight (8) existing reactor systems (R-100 through R-800) incorporated in Source ID P102. This is a State Only “Synthetic Minor” facility.

The Department’s review of the information contained in the application submitted by Avery Dennison Performance Polymers, indicates that the sources will comply with all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the fugitive air contaminant emission requirement of 25 Pa. Code § 123.1, the particulate matter emission limitation of 25 Pa. Code § 123.13, the sulfur oxide emission limitation of 25 Pa. Code § 123.21 and the visible emission limitation of 25 Pa. Code § 123.41. The plan approval, if issued, will subsequently be incorporated into the state only operating permit via an administrative amendment in accordance with 25 Pa. Code § 127.450 at a later date.

Based upon this finding, the Department proposes to issue a plan approval for the construction of for the installation of a new recuperative thermal oxidizer (RTO) for the replacement of two (2) existing thermal oxidizers. The following is a summary of the types of conditions the Department intends to place in the plan approval to ensure compliance with all applicable regulatory requirements.

All volatile organic compounds captured from each reactor incorporated into Source ID P102 shall be ducted to Control Device C102C. The volatile organic compound destruction efficiency of Control Device C102C shall be equal to, or greater than 99% or a VOC concentration not to exceed 20 parts per million (as propane) by volume, dry basis (ppmdv) at 3% oxygen at all times.

The combustion chamber temperature of Control Device C102C shall not be less than 1,600°F at any time while controlling air contaminant emissions from any reactor incorporated in Source ID P102. Work practice requirements to operate the sources and control devices with good air pollution control practices.

Recordkeeping and Reporting conditions to verify compliance with the emission limitations and all applicable requirements

A copy of the plan approval application and the Department’s review is available for public review between 8 a.m. and 4 p.m. at the Department’s Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to David M. Shimmel, P.E., Chief, New Source Review Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3568.

19-00028B: White Pines Landfill (515 State Route 442, Millville, PA 17846) for the landfill expansion project at the White Pines Landfill in Pine Township, **Columbia County**. The respective facility is a state only (natural minor) facility for which a state only operating permit has been issued.

The Department’s review of the information submitted by White Pines Landfill indicates that the landfill expansion will comply with applicable regulatory requirements pertaining to air contamination sources. Additionally, the Department has determined that the expansion satisfies best available technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12. Pursuant to the requirements of BAT, the expansion project which includes the permitted an increase of acceptable residual waste, will be controlled by a flare for any measurable gas which results from the expansion project. The flare is required to destroy 98% of the non-methane hydrocarbons in the produced gas. To demonstrate compliance with these limitations, White Pines Landfill will be required to conduct reference method testing on the flare. Continuous compliance demonstration will include monitoring of operational parameters of the flare.

Based on the findings above, the Department proposes to issue a plan approval with annual emission restrictions for the flare as well as monitoring, recordkeeping and work practice requirements to verify compliance with the annual emission restrictions. The annual emission restrictions for the flare can be found in the proposed plan approval as follows. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the particulate matter emissions from the exhaust of ID C001, associated with Source ID P101, shall not exceed 0.01 grain per dry standard cubic foot (gr/dscf); the sulfur oxide emissions (expressed as SO₂) from the exhaust of ID C001, associated with Source ID P101, shall not exceed 1.8 lb/hr or 7.7 tons in any 12 consecutive month period; the nitrogen oxide emissions (expressed as NO₂) from the exhaust of ID C001, associated with Source ID P101, shall not exceed 0.63 lb/hr or 2.8 tons in any 12 consecutive month period; the carbon monoxide emissions from the exhaust of ID C001, associated with Source ID P101, shall not exceed 1.5 lb/hr or 6.57 tons in any 12 consecutive month period; the volatile organic compounds emissions expressed as (non-methane organic compound NMOC) from the inlet to ID C001, associated with Source ID P101, shall be reduced by at least 98%; the hazardous air pollutant emissions from the exhaust of ID C001, associated with Source ID P101, shall not exceed 1.38 tons in any 12 consecutive month period.

In addition to the emission limitations above, the following is a summary of the types of conditions the Department intends to place in Plan Approval 19-00028B to ensure compliance with applicable Federal and State regulatory requirements including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12.

Initial and subsequent testing at the exhaust of the flare (ID C001) using Department-approved methods on an approximate annual basis

Monitoring requirement to detect the presence of methane gas from the wells and landfill cells on an approximate quarterly basis

Recordkeeping requirement for the flare’s combustion temperature during operation and the total operational hours including the records of all required monitoring

Work practice requirement to construct and operate in accordance with the manufacturer’s recommendations and good air pollution control practices

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department’s Northcentral Regional office. Any person(s) wishing to provide the Department with additional information, which they believe

should be considered prior to the issuance of this plan approval, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Plan Approval No. 19-00028B) and concise statements regarding the relevancy of the information or objections to issuance of the plan approval.

All persons requesting additional information or submitting comments should be directed to Keith C. Allison, Chief, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, North Central Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

41-00086A: LBV Professional Services, LLC (350 Spruce Street, Montoursville, PA 17754) for modification of a human crematorium in Montoursville Borough, **Lycoming County**. The respective facility is a natural minor facility for which a state only operating permit has not been issued.

The Department of Environmental Protection's (Department) review of the information submitted by LBV Professional Services, LLC indicates that the air contamination source to be constructed will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed construction.

The emissions from the crematorium will not exceed the following limits in any 12 consecutive month period: NO_x-0.42 tons; CO-1.40 tons; VOCs-0.42 tons; SO_x-0.35 tons; PM10-0.98 tons.

In addition to the emission limitations, the following is a summary of the types of conditions the Department intends place in the plan approval to ensure compliance with all applicable regulatory requirements including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12.

Emission restrictions to limit the emission of air contaminants.

Work practice and monitoring requirements to operate the source and control device with good air pollution control practices.

Recordkeeping conditions to verify compliance with the work practice and monitoring requirements.

A copy of the plan approval application and the Department's review is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to David M. Shimmel, P.E., Chief, New Source Review Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3568.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104

Contact: Edward Wiener, Chief—Telephone: 215-685-9426

N12-035: Kuusakoski Philadelphia LLC. (3150 Orthodox Street, Philadelphia, PA 19137) for the operation of an electronics scrap recycling plant in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include a process which consists of a pre-treatment crusher with a 275 HP diesel-fired internal combustion engine and a ring crusher with an electric motor. Ring crusher emissions vent to a cyclone and a fabric filter.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

AMS 07164: Honeywell International—Frankford Plant (Margaret & Bermuda St. Philadelphia, PA 19137) to modify Reasonably Available Control Technology (RACT) plan approval requirements for two 260 MMBTU/hr boilers that burn phenol waste, natural gas, or No. 6 oil, in the City of Philadelphia, **Philadelphia County**. A requirement to burn at least 51% phenol waste on an annual BTU heat input basis is being modified to at least 51% phenol waste or natural gas on an annual heat input basis. A requirement is being modified to allow burning fuel oil during testing between May 1 and September 30 each year (previously only allowed during gas emergencies) and to prohibit fuel oil burning during normal operation all year (previously only prohibited from May 1 to September 30). Both modifications will result in lower emissions.

The Philadelphia Department of Public Health, Air Management Services (AMS) will conduct a public hearing on December 4, 2012 at 321 University Avenue beginning promptly at 6:00 PM and continuing till conclusion of testimony to receive comments on the preliminary determination to approve the modification.

Copies of all documents and information concerning this permit are available for review in the office of AMS, Room 218, 321 University Ave., Philadelphia, PA 19104-4543, during normal business hours. Persons wishing to review these documents or to submit written comments should contact Ms. Karen Smith (215 685-7572) at the above address. All written comments must be received by December 4, 2012. Comments received by facsimile will not be considered.

AMS 12195: Philadelphia Energy Solutions Refining and Marketing LLC (PES), formerly Sunoco, Inc. (R&M), (3144 Passyunk Avenue Philadelphia, PA 19145) to increase the hourly heat input capacity of eight (8) heaters in the City of Philadelphia, **Philadelphia County**. This location and the Sunoco, Inc. (R&M) location in Marcus Hook, PA, Delaware County, have been determined to be one facility. The refinery fuel gas-fired heaters currently have combined heat input limits of 1,145.6 MMBTU/hr. The proposed increases will result in

combined heat input limits of 1,283.2 MMBTU/hr, with an average heat input capacity limit increase of 12%. The increase in potential emissions in the application due to these capacity increases are 131.7 tons of Nitrogen Oxides (NO_x), 7.5 tons of Volatile Organic Compounds (VOCs), 10.4 tons of Particulate Matter with a diameter of 10 micrometers or less (PM₁₀) and 2.5 micrometers or less (PM_{2.5}), 114.5 tons of Carbon Monoxide (CO), 0.82 ton of Sulfur Dioxide (SO₂), and Greenhouse Gases (GHGs) of 127,718 metric tons Carbon Dioxide equivalent CO₂e), all on a rolling 12-month basis. The plan approval will contain work practice, testing, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Zaman, Environmental Program Manager—Telephone: 570-327-3648

19-00003: Bloomsburg University (400 East Second Street, Bloomsburg, PA 17815-1301) for renewal of the Title V Operating Permits for their facility in Bloomsburg Borough, **Columbia County**. The facility is currently operating under Title V Operating Permit 19-00003. The facility's main air emission sources are three (3) anthracite coal fired boilers, one (1) biomass boiler, and numerous small natural gas/diesel fuel fired emergency generators which have the potential to emit major quantities of sulfur oxides (SO_x). The facility has the potential to emit, 10 micron or less particulate matter (PM₁₀), carbon monoxide (CO), nitrogen oxides (NO_x), volatile organic compounds (VOCs), and hazardous air pollutants (HAPs) below the major emission thresholds. This Title V operating permit renewal will also incorporate the terms and conditions for the operation of the biomass fired boiler authorized pursuant to plan approval 19-00003A.

The proposed Title V operating permit for renewal has incorporated the applicable MACT requirements to the sources at the facility. The proposed Title V operating permit contains applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State air quality regulations.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3693.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 19-00003) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131

42-00174: Casella Waste Management of PA, Inc. (19 Ness Lane, Kane, PA 16735) for renewal of the Title V Operating Permit in the Sergeant Township, **McKean County**. The facility is a landfill. The facility's major emission sources are, 1) Landfill, 2) Fugitive Emissions and, 3) Degreaser Unit. The facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G because the design capacity of the facility is greater than 2.5 million mega grams or 2.5 million cubic meters. The facility is not subject to the Compliance Assurance Monitoring Rule (CAM) found in 40 C.F.R. Part 64 because the pre-controlled emission do not exceed Title V, threshold. The potential emission statement: VOC: 36.9 Tons per year (TPY), Combined HAP: 7.718 TPY, CO: 39.4 TPY, NO_x: 15.8 TPY, PM-10: 3.4 TPY and, SO_x: 3.0 TPY.

Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

09-00177: North Penn Polishing and Plating, Inc. (40 West Park Avenue, Sellersville, PA 18960) for the renewal of a Non-Title V Facility, State-Only, Natural Minor Permit in Sellersville Borough, **Bucks County**. The initial permit was issued on June 27, 2007. North Penn Polishing and Plating, Inc. performs various electroplating and electro-less plating operations. Sources of emissions at this facility include two small boilers, a degreaser, and a multiple electroplating and electro-less plating tanks. The two boilers emit NO_x, CO, PM, SO_x, and VOC. The degreaser emits VOC and HAP. The plating tanks emit PM and HAP. Total emissions from the facility are as follows: 3.97 tons per year (tpy) of NO_x, 2.22 tpy of CO, 8.44 tpy of SO_x, 0.75 tpy of PM, 3.27 tpy of VOC, and 0.17 tpy of HAP. The boilers will not be subject to the requirements of 40 CFR 63, Subpart JJJJJJ, as they would only burn fuel oil during periods of gas curtailment, gas supply emergencies, or for periodic testing (not to exceed 48 hours during any calendar year). Applicable conditions have been incorporated into the permit renewal. Per this permit renewal, the Decorative Chrome Tank (Source ID 101) has been converted from using hexavalent chrome to a trivalent chrome bath. Conditions have been revised as they pertain to 40 CFR Part 63, Subpart N. The requirements of 40 CFR Part 63,

Subpart WWWW have been incorporated into the permit renewal, as they apply to various non-chrome electroplating operations. These conditions are addressed under Source ID 103. The permit contains monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within the aforementioned emission rates and all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863

22-03089: Humane Society of Harrisburg Area, Inc. (7790 Grayson Road, Harrisburg, PA 17111) for their animal crematory in Swatara Township, **Dauphin County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility has actual emissions of 1.57 tpy of PM and 0.57 tpy of SO_x. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Mr. Thomas Hanlon, Facility Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

06-05090: Toppan Interamerica, Inc (378 Thousand Oaks Blvd., Morgantown, PA 19543) for the graphics arts printing facility in Caernarvon Township, **Berks County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility. The subject facility has actual emissions of 11.8 tpy of VOCs, 3.5 tpy of NO_x and 3.0 tpy of CO. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are

available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Mr. Thomas Hanlon, Facility Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

67-03055: Vulcan Construction Materials, LP (320 North Baker Road, York, PA 17408) for their limestone crushing plant in West Manchester Township, **York County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the above-mentioned facility.

The subject facility employs wet suppression for emission control and actual particulate matter (PM) emissions are estimated at less than one ton per year. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Copies of the renewal application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests. Daniel C. Husted, New Source Review Chief, may be contacted at 717-705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

31-03033: Stone Valley Welding (11582 Guyer Road, Huntingdon, PA 16652) for operation of a roll-off waste container fabrication facility located in Jackson Township, **Huntingdon County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has

received an application and intends to issue an Air Quality Operating Permit renewal for the abovementioned facility.

The actual emissions in year 2011 after taking limitations were 10.84 tons per year of VOCs and 2.17 tons per year of Total HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Daniel C. Husted, New Source Review Chief, may be contacted at 717-705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

65-00235: Alcoa, Inc. (100 Technical Drive, Alcoa Center, PA 15069) In accordance with 25 Pa Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) gives notice that they intend to issue a State Only Operating Permit (SOOP) renewal to Alcoa Technical Center to authorize the continued operation of their Research and Development facility located in the Upper Burrell Township, **Westmoreland County**.

The facility consists of five natural gas fired Boilers (rated from 36 mmbtu/hr to 10.4 mmbtu), Foil Product Coater/Laminator, Aluminum-Lithium Casting Operation, Isostatic Operation, Skim & Refractory Operation and three Emergency Generators.

The facility has baghouses to control emissions of particulate matter (PM) and a thermal oxidizer to control emissions of VOCs. This facility has the potential to emit the following type and quantity of air contaminants: 1.5 ton per year of PM₁₀, 36.0 tons per year of NO_x, 30.0 tons per year of CO and 4.0 ton per year of VOCs. The proposed SOOP renewal contains conditions relating to monitoring, recordkeeping and work practice standards.

Arrangements may be made to review the application at our offices. Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Operat-

ing Permit renewal may written comments to Barbara Hatch, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222, 412-442-5226 (bhatch@pa.gov). A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify OP-65-00235) and concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if DEP, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where DEP determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Barbara Hatch at the location identified above.

30-00183: EQT Gathering, LLC (EQT Plaza, 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222) for operation of compressor station consisting of three (3) natural gas compressor engines controlled with oxidation catalysts (2,370 hp, each), one (1) natural gas-fired emergency generator (690 hp), two (2) small catalytic heaters, two (2) triethylene glycol (TEG) dehydration unit with associated reboiler controlled by a ground flare (120 MMscf/day at its Jupiter Compressor Station in Morgan Township, **Greene County**. This is a State Only Operating Permit submittal.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131

10-00152: Triangle Gasoline Company (1100 North Main Street Extension, Butler, PA 16001-1958), to issue a renewal of the State Only Operating Permit for the bulk gasoline plant (three gasoline storage tanks) with vapor recovery system. The facility also has a small parts washer. The facility is subject to the NESHAPs for Area Sources for Gasoline Bulk Plants in 40 CFR 63 Subpart BBBBBB. The gasoline throughput from the facility is less than 20,000 gallons per day. The potential VOC emissions from the facility are approximately 3 TPY. The facility is located in Butler Township, **Butler County**. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104

Contact: Edward Wiener, Chief—Telephone: 215-685-9426

N12-036: Verizon-Pennsylvania, Incorporated-Locust Central Office (1631 Arch Street, Philadelphia, PA 19103) for the operation of a telecommunications facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) 1500-kilowatt emergency generators firing diesel fuel oil.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University

Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

N12-009: SPD Electrical System, (13500 Roosevelt Blvd, Philadelphia, PA 19116) for the operation of the following; four 648,000 BTU/hr, one 425,250 BTU/hr, one 419,650 BTU/hr, seven 292,000 BTU/hr, one 291,000 BTU/hr natural gas fired roof mounted HVAC units and, one Spray Booth and Associated Baghouse in the City of Philadelphia, **Philadelphia County**.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

N12-035: Kuusakoski Philadelphia LLC, (3150 Orthodox Street., Philadelphia, PA 19137) for operation of an electronics scrap recycling plant in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include a process which consists of a pre-treatment crusher with a 275 HP diesel-fired internal combustion engine and a ring crusher with an electric motor. Ring crusher emissions vent to a cyclone and a fabric filter.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

PLAN APPROVALS

Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B And Subchapter F. These actions may include the administrative amendments of an associated operating permit.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

36-399-070: Samuel Adams Brewing Co. (7880 Penn Drive, Breinigsville, PA 18031) for construction of a new can filling line with associated equipment in Upper Macungie Township, **Lehigh County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Samuel Adams Brewing Company (7880 Penn Drive, Breinigsville, PA 18031) for their facility located in Upper Macungie Twp., Lehigh County. This Plan Approval No. 36-399-070 will be incorporated into a Natural Minor Permit through an administrative amendment at a later date.

Plan Approval No. 39-399-070 is for the construction of a new can filling line with associated equipment. The VOC emissions from the facility will not equal or exceed 50 TPY, based on a 12-month rolling sum. The NO_x emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. Total PM, SO_x, and CO emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum. The Plan approval and Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

The facility is subject to 25 Pa. Code § 127.12(a)(5) Best Available Technology (BAT) requirements. The visible emissions (opacity) shall not be equal to or greater than 20% at any time. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 39-399-070 and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting

a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

Coal Applications Received

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

56910701 and NPDES No. PA0213560 and GP12-56910701. PBS Coals, Inc., (P. O. Box 260 Friedens, PA

15541). To renew the permit for the Job 10 Refuse in Brothersvalley and Somerset Townships, **Somerset County** and related NPDES permit. Includes renewal of Air Quality GPA/GP-12 Authorization. No additional discharges. The application was considered administratively complete on October 17, 2012. Application received: February 27, 2012.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

10110107 and NPDES Permit No. PA0258225. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) Transfer of an inprocess bituminous surface mine application from K & A Mining in Fairview Township, **Butler County** affecting 28.0 acres. This transfer also includes the addition of 4.5 acres to the SMP and a revision to the NPDES to add one outfall. Receiving streams: South Branch of Bear Creek, classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: October 12, 2012.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

17120104 and NPDES No. PA0269531. AMFIRE Mining Company, LLC (One Energy Place Latrobe, PA 15650). Commencement, operation and restoration of a bituminous surface and auger mine located in Cooper Township, **Clearfield County** affecting 585.0 acres. Receiving streams: Weber Run classified as CWF and MF to Moshannon Creek classified as TSF and MF, Unnamed Tributaries A, B, C, and D to Moshannon Creek classified for CWF and MF. There are no potable water supply intakes within 10 miles downstream. Application received: October 4, 2012.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

19-305-002GP12. Keystone Anthracite Co., Inc., (259 N. 2nd Street, Girardville, PA 17935), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on City of Philadelphia, Trustee, Girard Estate Surface Mining Permit No. 19960101 in Conyngham, Butler and Union Townships, **Columbia & Schuylkill Counties**. Application received: October 3, 2012.

Noncoal Applications Received

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

31020301 and NPDES Permit No. PA0249190. U. S. Silica Company, P. O. Box 187, Berkeley Springs, WV 25411-0187, renewal of NPDES Permit, Brady Township, **Huntingdon County**. Receiving stream(s): Mill Creek classified for the following use(s): trout stocked fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 5, 2012.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

26070603 and NPDES Permit No. PA0251097. Fayette Coal & Coke, Inc. (2611 Memorial Boulevard, Connellsville, PA 15425). Revision application for land use change from unmanaged natural habitat to industrial/commercial use to an existing bituminous surface mine, located in Georges Township, **Fayette County**, affecting 65.8 acres. Receiving streams: unnamed tributaries to York Run, classified for the following use: WWF. There is

no potable water supply intake within 10 miles downstream from the point of discharge. Application received: October 12, 2012.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

10120303 and NPDES Permit No. PA0259322. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201) Commencement, operation and restoration of a large industrial minerals mine in Worth Township, **Butler County** affecting 335.9 acres. Receiving streams: Unnamed tributaries to Slippery Rock Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: October 11, 2012.

1270-10120303-E-1. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201) Application for a stream encroachment to mine through and reconstruct a portion of unnamed tributary Nos. 1 and 3 to Slippery Rock Creek in Worth Township, **Butler County**. Receiving streams: Unnamed tributaries to Slippery Rock Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application also includes a request for a Section 401 Water Quality Certification. Application received: October 11, 2012.

1270-10120303-E-2. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201) Application for a stream encroachment to conduct mining and support activities within the 100 foot barrier of unnamed tributary No. 9 to Slippery Rock Creek in Worth Township, **Butler County**. Receiving streams: Unnamed tributaries to Slippery Rock Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application also includes a request for a Section 401 Water Quality Certification. Application received: October 11, 2012.

1270-10120303-E-3. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201) Application for a stream encroachment to mine through and reconstruct a portion of unnamed tributary No. 10 to Slippery Rock Creek in Worth Township, **Butler County**. Receiving streams: Unnamed tributaries to Slippery Rock Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application also includes a request for a Section 401 Water Quality Certification. Application received: October 11, 2012.

1270-10120303-E-4. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201) Application for a stream encroachment to mine through and reconstruct portions of unnamed tributary Nos. 13 and 13A to Slippery Rock Creek in Worth Township, **Butler County**. Receiving streams: Unnamed tributaries to Slippery Rock Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application also includes a request for a Section 401 Water Quality Certification. Application received: October 11, 2012.

10120303. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201) Request to impact 7.4

acres of wetlands and construct 11.72 acres of replacement wetlands in Worth Township, **Butler County**. Receiving streams: Unnamed tributaries to Slippery Rock Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application also includes a request for a Section 401 Water Quality Certification. Application received: October 11, 2012.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

58101001. Meshoppen Stone, Inc., (P. O. Box 127, Meshoppen, PA 18630), Stage I & II bond release from a quarry operation in Auburn Township, **Susquehanna County** affecting 1.5 acres on property owned by John Koromlan. Application received August 10, 2012.

58101002. Meshoppen Stone, Inc., (P. O. Box 127, Meshoppen, PA 18630), Stage I & II bond release from a quarry operation in Auburn Township, **Susquehanna County** affecting 3.0 acres on property owned by David & Joanne Wright. Application received August 10, 2012.

38120301. Greater Lebanon Refuse Authority, (1610 Russell Road, Lebanon, PA 17046), commencement, operation and restoration of a quarry operation in North Annville Township, **Lebanon County** affecting 170.0 acres, receiving stream: unnamed tributaries to Swatara Creek, classified for the following uses: warm water and migratory fishes. Application received: October 4, 2012.

58120302. Meshoppen Stone, Inc., (P. O. Box 127, Meshoppen, PA 18630), commencement, operation and restoration of a quarry operation in Middletown Township, **Susquehanna County** affecting 32.6 acres, receiving stream: unnamed tributary to North Branch Wyalusing Creek, classified for the following use: cold water fishes. Application received: October 11, 2012.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

Effluent Limits for Coal Mining Activities

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	2.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

*The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Effluent Limits for Noncoal Mining Activities

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapter 77 are as follows:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity*			
pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91–96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation-Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal NPDES Draft Permits

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

NPDES No. PA0235709 (Mining Permit No. 56061301), RoxCOAL, Inc., (P. O. Box 149, Friedens, PA 15541). A revision to the NPDES and mining activity permit for Kimberly Run Mine in Somerset Township, **Somerset County** to increase daily discharge limits for approved NPDES Outfall 003. Surface Acres Affected 66.9, Underground Acres Affected

2,318.5. Receiving stream: Kimberly Run, classified for the following use: CWF. Coxes Creek Watershed TMDL. The application was considered administratively complete on October 10, 2010. Application received: August 13, 2010.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

Outfall 003 discharges to: Kimberly Run

The proposed effluent limits for *Outfall 003* (Lat: 39° 59' 46" Long: 78° 59' 49") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	2.0	-
Iron (mg/l)		0.8	1.7	2.1
Manganese (mg/l)		0.9	1.8	2.2
Aluminum (mg/l)		0.5	1.0	1.3
Suspended Solids (mg/l)		35	70	90
Sulfates (mg/l)				REPORT
Total Dissolved Solids (mg/l)		41	82	103
Osmotic Pressure (mOs/kg)				REPORT
Specific Conductance (umho)				REPORT

NPDES No. PA0235407 (Mining Permit No. 03991301), Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). A renewal and revision to the NPDES and mining activity permit for the Logansport Mine in Bethel, Burrell, Gilpin and Parks Townships, **Armstrong County**. The separate revision application adds 18.6 surface acres to install Taylor Run Portal and add NPDES Outfall 005. Surface Acres Affected 115.7, Underground Acres Affected 7,833.9. Receiving Streams: Unnamed Tributaries to Allegheny River, Allegheny River, and Taylor Run, all classified for the following use: WWF. The renewal application was considered administratively complete on October 13, 2011, and the revision application was considered administratively complete on November 23, 2010. The renewal application was received July 27, 2011, and the revision application was received August 18, 2010.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

Outfall 001 discharges to: Unnamed tributary to Allegheny River

The proposed effluent limits for *Outfall 001* (Lat: 40° 44' 11.7" Long: 79° 34' 52.8") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	2.9	-
Iron (mg/l)		1.0	1.9	2.4
Manganese (mg/l)		0.4	0.7	0.9
Aluminum (mg/l)		0.5	1.0	1.5
Sulfates (mg/l)		470	939	1174
Osmotic Pressure (mOs/kg)		36	72	90
Total Suspended Solids (mg/l)		35	70	90

Outfall 002 discharges to: Allegheny River

The proposed effluent limits for *Outfall 002* (Lat: 40° 44' 16.7" Long: 79° 35' 05.7") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	1.2	-
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Settable Solids (ml/l)		0.3	0.5	0.6

Outfall 003 discharges to: Allegheny River

The proposed effluent limits for *Outfall 003* (Lat: 40° 44' 07.4" Long: 79° 35' 04.6") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	2.86	-
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		1.8	3.6	4.5
Settable Solids (ml/l)		0.3	0.5	0.6

Outfall 004 discharges to: Unnamed Tributary to Allegheny River

The proposed effluent limits for *Outfall 004* (Lat: 40° 44' 9.8" Long: 79° 35' 33.1") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	2.9	-
Iron (mg/l)		1.0	1.9	2.4
Manganese (mg/l)		0.4	0.7	0.9
Aluminum (mg/l)		0.5	1.0	1.5
Settable Solids (ml/l)		0.3	0.5	0.6
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (mOs/kg)		36	72	90
Sulfates (mg/l)		470	939	1174

Outfall 005 discharges to: Taylor Run

The proposed effluent limits for *Outfall 005* (Lat: 40° 42' 27" Long: 79° 34' 13") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	2.86	-
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Settable Solids (ml/l)		0.3	0.5	0.6

Noncoal NPDES Draft Permits

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

NPDES No. PA0249190 (Mining permit no. 31020301), U. S. Silica Company, 12942 Oriskany Road, Mapleton Depot, PA 17052, renewal of an NPDES permit for a sandstone quarry in Brady Township, **Huntingdon County**, affecting 92.3 acres. Receiving stream(s): Mill Creek, classified for the following use(s): trout stocked fishery. Application received: October 5, 2012.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to Mill Creek.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001A	N
002A	N

NPDES No. PA0269131 (Mining permit no. 31120801), Robert B. Colton, 11368 Old Town Road, Huntingdon, PA 16652, new NPDES permit for small noncoal (industrial mineral) surface mine in Miller Township, **Huntingdon County**, affecting 4.3 acres. Receiving stream(s): unnamed tributary to Standing Stone Creek, classified for the following use(s): high quality cold water fishery. This receiving stream is not included in any TMDL. Application received: July 23, 2012.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

The outfall(s) listed below require a non-discharge alternative:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001—Sediment Pond with associated infiltration gallery	Y

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments,

suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request

are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Watershed Management Program Manager, 2 East Main Street, Norristown, PA 19401

E46-1087. Philadelphia Cricket Club, 415 W. Willow Grove Avenue, Philadelphia, PA 19118-4125, Whitemarsh Township, **Montgomery County**, ACOE Philadelphia District.

To remove the existing bridge and to construct and maintain, in its place, a 65-foot long, 15.3-foot wide and 6.7-foot high pedestrian bridge across the unnamed tributary to Wissahickon Creek. The site is located at Philadelphia Cricket Golf Club, near the intersection of Willow Grove Avenue and Wes Valley Green Road (Germantown, PA USGS Quadrangle).

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.

E05-367: Broad Top Township, PO Box 57, Defiance, Pennsylvania 16633 (Acid Mine Drainage Remediation), in Broad Top Township, **Bedford County**, ACOE Baltimore District

To: 1) install a 37.0-foot temporary bridge crossing Brewster Hollow which is classified as a Warm Water Fishery, 2) relocating 251.0 linear feet of an Unnamed Tributary to Six Mile Run which is classified as a Warm Water Fishery impacting approximately 20.0 feet wide × 10.0 feet long of floodway of Six Mile Run which is classified as a Warm Water Fishery, 3) install and maintain a 12.0-inch diameter outfall impacting 5.0 feet wide × 2.0 feet long outfalls in an Unnamed Tributary to Six Mile Run which is classified as a Warm Water Fishery, 4) install and maintain a 12.0-inch diameter outfall impacting 5.0 feet wide × 2.0 feet long outfall in an Unnamed Tributary to Six Mile Run which is classified as a Warm Water Fishery, 5) install and maintain a 12.0-inch diameter outfall impacting 5.0 feet wide × 5.0 feet long outfall in Brewster Hollow which is classified as a Warm Water Fishery, and 6) constructing and maintain 135.0 linear feet of R-3 bank stabilization on the right side of Brewster Hollow which is classified as a Warm Water Fishery. The project proposes to directly affect 401.0 linear feet of stream channel, 0.092 acre of permanent floodway, and .016 acre of temporary floodway (Saxton, PA Quadrangle; Latitude: 40°09'43.2", Longitude: -78°13'41.3").

E06-681: Grande Construction Company, 2213 Quarry Road, West Lawn, Pennsylvania 19609 (Cedar Hill Estates), in Birdsboro Borough and Robeson Township, **Berks County**, ACOE Philadelphia District

To develop a 362.0-acre tract for single family residential lots and construct and maintain:

1) four 72.0-foot long, 24.0-inch diameter HDPE culverts, a 63.0-foot long road crossing, a 12.0-inch diameter ductile iron (DI) water line, and 159.0 cubic yards of fill in a palustrine scrub/ shrub wetland (Latitude: 40°16'18", Longitude: -75°50'17.1");

2) a 95.0-foot long, 4.0-foot by 6.0-foot concrete box culvert, a 12.0-inch diameter DI water line, a 10.0-inch diameter DI sanitary sewer line, and 1,339.0 cubic yards of fill in and along an unnamed tributary (UNT) to the Schuylkill River (WWF, MF) (Latitude: 40°16'14.4", Longitude: -75°50'3.1");

3) a 100.0-foot long road crossing, a 15.0-inch diameter HDPE storm sewer, a 12.0-inch diameter DI water line, a 10.0-inch diameter DI sanitary sewer line, and 4,276.0 cubic yards of fill in a palustrine emergent and scrub/ shrub wetland (Latitude: 40°16'14.1", Longitude: -75°50'2.2");

4) a 108.0-foot long, 48.0-inch diameter reinforced concrete pipe culvert, a 12.0-inch diameter DI water line, an 8.0-inch diameter DI sanitary sewer line, a 6.0-inch diameter DI sanitary force main, and 824.0 cubic yards of fill in and along an UNT to the Schuylkill River (WWF, MF) (Latitude: 40°16'3.3", Longitude: -75°49'44.2");

5) a 94.0-foot long, 4.0-foot by 4.0-foot concrete box culvert, a 12.0-inch diameter DI water line, a 10.0-inch diameter DI sanitary sewer line, a 24.0-inch diameter HDPE stormwater outfall, and 1,454.0 cubic yards of fill in and over an UNT to the Schuylkill River (WWF, MF) (Latitude: 40°16'3.8", Longitude: -75°49'24.2");

6) an 8.0-inch diameter DI water line under an UNT to the Schuylkill River (WWF, MF) (Latitude: 40°15'48.7", Longitude: -75°49'18.7");

7) 360.0 linear feet of relocated stream channel, a 120.0-foot long, 84.0-inch diameter corrugated metal pipe stream enclosure, a 10.0-inch diameter DI water line, and 465.0 cubic yards of fill in an UNT to the Schuylkill River (WWF, MF) and associated palustrine forested wetland (Latitude: 40°16'1.3", Longitude: -75°49'14"); and

8) a 54.0-foot long, 48.0-inch diameter reinforced concrete pipe culvert, an 8.0-inch diameter DI sanitary sewer line, and 688.0 cubic yards of fill in and along an UNT to the Schuylkill River (WWF, MF) (Latitude: 40°16'0.2", Longitude: -75°49'45.9").

The project proposes to directly affect 825.0 linear feet of stream and 0.44 acre of wetlands. Wetland creation of 0.52 acre is proposed to compensate for the wetland impacts (Birdsboro, PA Quadrangle; Latitude: 40°16'00", Longitude: -75°50'00").

E36-899: Landis Valley Holdings, LP (Brooklawn Subdivision), 616 Paxton Place, Suite 100, Lititz, Pennsylvania 17543, in Manheim Township, **Lancaster County**, ACOE Baltimore District

The applicant proposes to 1) construct and maintain a 31.0-foot wide by 143.0-foot long single span bridge having an underclearance of 3.18 feet and associated rip-rap apron in and across an unnamed tributary to Landis Run (WWF) permanently impacting 0.01 acre of Palustrine Emergent/Palustrine Scrub Shrub wetland; 2) install and maintain two 8.0-inch PVC sanitary sewer line crossings under an unnamed tributary to Landis Run (WWF); 3) install and maintain an 8.0-inch DI waterline crossing under an unnamed tributary to Landis Run (WWF) and associated floodplain wetlands, temporarily impacting 0.01 acre of wetland; 4) install and maintain a 15.0-foot wide temporary construction crossing impacting 0.01 square feet of wetland; and 5) remove 309.0 cubic

yards of sediment from the floodway and floodplain of an unnamed tributary to Landis Run, impacting 0.23 acre of palustrine emergent/scrub shrub wetland, all for the purpose of constructing a residential subdivision. The project is located north of the intersection of Bonnie Drive and Trena Avenue (Lancaster, PA Quadrangle; Latitude: 40°05'16.00", Longitude: -76°17'43.26") in Manheim Township, Lancaster County. To compensate for the wetland impacts, the applicant is required to create 0.25 acre of replacement wetland onsite.

E67-902: Susquehanna Gateway Heritage Area, 1706 Long Level Road, Wrightsville, Pennsylvania 17368, Lower Windsor Township, **York County**, ACOE Baltimore District

To: 1) construct and maintain 1,779.0 ft² of boardwalk/decking in PEM wetlands associated with and the floodway of the Susquehanna River (WWF, MF), 2) construct and maintain a 38.0-foot long stone retaining wall in the floodway of the Susquehanna River (WWF, MF), 3) construct and maintain a 192.0 ft² floating dock in the Susquehanna River (WWF, MF), 4) construct and maintain a 19.0 × 16.0-foot boat ramp in the Susquehanna River (WWF, MF), 5) construct and maintain a 73.0-foot long streambank restoration/stabilization wall along the Susquehanna River (WWF, MF), and 6) place and maintain fill in the floodway of the Susquehanna River (WWF, MF), all for the purpose of expanding an existing historical/ educational facility. The project is located on the east side of 1706 Long Level Road, approximately 4.0 miles south of PA Route 462 in Wrightsville, (Safe Harbor, PA Quadrangle; Latitude: 39°58'38.8", Longitude: -76°29'47.1"), in Lower Windsor Township, York County.

Southwest Region: Wetlands & Waterways Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1679. Aiello's Automotive, 2738 Lincoln Way, White Oak, PA 15131; White Oak Borough, **Allegheny County**; ACOE Pittsburgh District.

Applicant proposes to construct and maintain 106.0 foot long x 26.0 feet wide addition to the existing building along the right bank of Long Run (TSF) for the purpose of expanding the existing garage on applicant's property. The project is located on the south side of Lincoln Way, approximately 1,100.0 feet east from the intersection of Lincoln Way and Coulterville Road (McKeesport, PA Quadrangle N: 13.25 inches; W: 5.1 inches, Latitude: 40°19'23.1"; Longitude: 79°47'9.8") in White Oak Borough, Allegheny County.

E65-952. Brent Sigut (Sigut Single Family Dwelling), 1850 Riverside Mews, Municipality of Murrysville, **Westmoreland County**; ACOE Pittsburgh District.

Applicant proposes to construct and maintain a bridge having a span of 16 feet across by 21 feet long over Haymaker Run (HQ, CWF) under a proposed driveway for access to a single family home. The applicant is also proposing to impact approximately 0.15 acre of forested wetlands to construct a driveway. The project is located along Sardis Road in the Municipality of Murrysville, Westmoreland County (Murrysville, PA Quadrangle, N: 12.8 inches; W: 7.25; Latitude: 40°26'44"; Longitude: 79°48'38").

District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701

E5829-042: Williams Field Services Company, LLC, 1605 Coraopolis Heights Road, Moon Township, PA 15108, Gibson and Harford Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. a 12-inch diameter natural gas gathering pipeline and timber mat crossing impacting 436 square feet (0.01 acre) of a PSS wetland (Harford SE, PA Quadrangle; Lat. 41°45'41", Long. -75°39'52");

2. a 12-inch diameter natural gas gathering pipeline and timber mat bridge crossing impacting 84 lineal feet of an unnamed tributary to Butler Creek (CWF-MF) (Harford SE, PA Quadrangle; Lat. 41°45'41", Long. -75°40'14");

3. a 12-inch diameter natural gas gathering pipeline and timber mat bridge crossing impacting 46 lineal feet of an unnamed tributary to Butler Creek (CWF-MF) (Harford SE, PA Quadrangle; Lat. 41°45'41", Long. -75°39'52");

4. a 12-inch diameter natural gas gathering pipeline and timber mat bridge crossing impacting 77 lineal feet of an unnamed tributary to Butler Creek (CWF-MF) (Harford SE, PA Quadrangle; Lat. 41°45'41", Long. -75°39'52");

5. a 12-inch diameter natural gas gathering pipeline and timber mat bridge crossing impacting 77 lineal feet of Butler Creek (CWF-MF) (Harford SE, PA Quadrangle; Lat. 41°45'40", Long. -75°39'50");

6. a 12-inch diameter natural gas gathering pipeline and timber mat crossing impacting 7,405 square feet (0.17 acre) of a PEM wetland (Harford SE, PA Quadrangle; Lat. 41°45'35", Long. -75°39'06").

The Payne well connect natural gas gathering pipeline project will convey natural gas, for approximately 2.59 miles, from the Payne well site to the Williams—Columbia Pipeline. The project will result in 284 lineal feet of temporary stream impacts and a total of 0.18 acre (7,841 square feet) of wetland impacts all for the purpose of transporting Marcellus Shale natural gas to market.

E5929-037: SWEPI LP., 190 Thorn Hill Road, Warrendale, PA 15086, Delmar Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain a permanent access road which will permanently fill 2,063 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Antrim, PA Quadrangle 41°44'05"N 77°20'51"W).

The project will result in 2,063 square feet (0.05 acre) of permanent wetland impacts for the purpose of installing a well site access road in Delmar Township, Tioga County.

E5729-039: Chesapeake Appalachia, LLC, 101 North Main Street, Athens, PA 18810, Cherry and Forks Townships, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 1,103 square feet of an exceptional value palustrine emergent/forested (EV-PEM/PFO) wetland and 40 linear feet of an unnamed tributary to Black Creek (EV) (Dushore, PA Quadrangle 41°32'56"N, 76°29'13"W);

2) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 15 linear feet of an unnamed tributary to Black Creek (EV) (Dushore, PA Quadrangle 41°32'56"N, 76°29'12"W);

3) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 12 linear feet of an unnamed tributary to Black Creek (EV) (Dushore, PA Quadrangle 41°32'52"N, 76°28'53"W);

4) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 1,451 square feet of an exceptional value palustrine emergent/scrub shrub (EV-PEM/PSS) wetland (Dushore, PA Quadrangle 41°32'30"N, 76°28'54"W);

5) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 32 linear feet of an unnamed tributary to Black Creek (EV) (Dushore, PA Quadrangle 41°32'29"N, 76°28'52"W);

6) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 23 linear feet of an unnamed tributary to Black Creek (EV) (Dushore, PA Quadrangle 41°32'28"N, 76°28'51"W);

The project will result in 2,554 square feet (0.06 acre) of temporary wetland impacts and 122 linear feet of temporary stream impacts, all for the purpose of installing fresh waterlines for Marcellus well development in Cherry and Forks Townships, Sullivan County.

E4129-058: EXCO Resources (PA), LLC, 3000 Ericson Drive, Suite 200, Warrendale, PA 15086, Penn Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) two 6-inch waterlines, a timber mat bridge, and a temporary culvert extension impacting 101 linear feet of an unnamed tributary to Beaver Run (CWF, MF) (Sonestown PA Quadrangle 41°16'32"N, 76°39'20"W);

2) two 6-inch waterlines impacting 35 linear feet of an unnamed tributary to Beaver Run (CWF, MF) (Sonestown PA Quadrangle 41°16'54"N, 76°35'57"W);

3) two 6-inch waterlines impacting 39 linear feet of Beaver Run (CWF, MF) and 4,418 square feet of adjacent EV palustrine scrub-shrub (PSS) wetland (Sonestown PA Quadrangle 41°16'55"N, 77°35'50"W).

The project will result in a total of 175 linear feet of stream impacts and 0.10 acre of wetland impacts all for the purpose of installing water pipeline and associated access roadways for Marcellus well development.

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105

E3514-003. Department of General Services, Bureau of Engineering and Architecture, 18th and Herr Streets, Harrisburg, PA 17125, Rush Brook Creek Project, Borough of Jermyn, **Lackawanna County**, USACOE Baltimore District.

This permit is requested for a flood protection project in and along approximately 2,600 linear feet (approximately 3.1 acres) of Rush Brook Creek. The project begins at the upstream side of PA Route 107 culvert (USGS "Carbondale" Quadrangle, North 6.45 inches, West 7.15 inches) and extends downstream to a point 460 feet downstream of Washington Avenue culvert (USGS "Carbondale" Quadrangle, North 5.85 inches, West 5.95 inches).

The following activities are associated with the Rush Brook Creek Project:

- Remove existing culverts and stream enclosures along a 2,600-foot-reach of Rush Brook Creek.
- Construct and maintain 180.0 lineal feet of reinforced concrete walls.
- Construct and maintain 1,853.0 lineal feet of 22-foot-wide stream channel with 8.5-foot high precast concrete segmental block walls.
- Construct and maintain 240.0 lineal feet of 6-foot high earthen levee.
- Install and maintain 22-foot-wide precast concrete box culverts under Lincoln Avenue, Jefferson Avenue, Madison Avenue, Johnson Court, and Washington Avenue.

Anticipated construction time is 12 months.

DAM SAFETY

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460

D30-020A. DCNR, Bureau of State Parks, P. O. Box 8551, Harrisburg, PA 17105-8551. To reconstruct Ryerson Station Dam across North Fork Dunkard Fork (TSF) for the purpose of creating a recreational lake. (Wind Ridge, PA Quadrangle; Latitude: 39.8899, Longitude: -80.4497). Richhill Township, **Greene County**, ACOE Pittsburgh District.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0063592 (Sewage)	Gilberton Borough Main Street Maizeville Gilberton, PA 17934	Schuylkill County Gilberton Borough	Little Mahanoy Creek (6-B)	Y
PA0062286 (Sewage)	Church of Saint Benedict Newton Ransom Boulevard Clarks Summit, PA 18411	Lackawanna County Newton Township	Unnamed Tributary to Gardner Creek (4-G)	Y

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0083887 (Sew)	Brad S. Shover 225 Pine Hill Road Landisburg, PA 17040-9218	Bedford County / East Providence Township	Brush Creek / 11-C	Y
PA0088048 (Sew)	New Morgan Borough 75 Grace Blvd, Bldg. 3 New Morgan Corporate Park Morgantown, PA 19543	Berks County / New Morgan Borough	East Branch Conestoga River / 7-J	N
PA0085316 (Sew)	Fort Heritage, LTD 1958 Emmitsburg Road Gettysburg, PA 17325-7196	Adams County / Cumberland Township	Marsh Creek / 13-D	Y
PA0045004 (Sew)	Lake Meade Municipal Authority 59 Curtis Drive East Berlin, PA 17316-9220	Adams County / Reading Township	Mud Run / 7-F	Y
PA0087165 (IW)	Bleyer Gift Packs LLC 436 North Industrial Drive Mount Union, PA 17066-1728	Huntingdon County / Mount Union Borough	Juniata River / 12-C	Y

Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0228478 (Sewage)	Potts Grove Wastewater Treatment Plant 4842 State Route 642 Milton, PA 17847	Northumberland County East Chillisquaque Township	Chillisquaque Creek (10-D)	Y
PA0115231 (Sewage)	Woodland Bigler Area Authority WWTP 2912 Hogback Road Mineral Springs, PA 16878	Clearfield County Bradford Township	Roaring Run (8-C)	Y
PA0218839 (Sewage)	Cherry Tree STP 1018 Stiffletown Road Burnside Twp, PA 15701	Clearfield County Burnside Township	West Branch Susquehanna River (8-B)	Y

Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0090948 Industrial Waste	Veolia ES Chestnut Valley Landfill 1184 McClellandtown Road McClellandtown, PA 15458	Fayette County German Township	UNT of Dunlap Creek	Y

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0033146 (Sewage)	Countryside Convalescent Home, 8221 Lamor Road, Mercer, PA 16137-3163	Mercer County East Lackawannock Township	Unnamed Tributary to the Neshannock Creek (20-A)	Y

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701

NPDES Permit No. PA0038865 A-1, Sewage, SIC Code 4952, **Zerbe Township Northumberland County**, 800 Mahanoy Street, Trevorton, PA 17881.

This existing facility is located in Zerbe Township, **Northumberland County**.

Description of Existing Action/Activity: Issuance of an amendment to an NPDES Permit for an existing discharge of treated Sewage.

NPDES Permit No. PAG124843, CAFO, SIC Code 0213, **Hummel Family Farms, LLC**, 3493 Middle Road, Middleburg, PA 17842.

This proposed facility is located in Center Township, **Snyder County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a CAFO.

Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

NPDES Permit No. PA0028703, Sewage, **Peters Township Sanitary Authority**, 111 Bell Drive, McMurray, PA 15137-6403

This proposed facility is located in Peters Township, **Washington County**

Description of Proposed Action/Activity: Permit issuance to discharge treated sewage.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

WQM Permit No. 0112401, Sewerage, **Tyrone Township** 5280 Old Harrisburg Road, York Springs, PA 17372.

This proposed facility is located in Tyrone Township, **Adams County**.

Description of Proposed Action/Activity: Permit approval for the construction of the Heidlersburg Village Pumping Station and Collection System.

Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701

WQM Permit No. 5996404 A-1, Sewage, SIC Code 4952, **Lawrence Township Municipal Authority**, 173 School Road, Tioga, PA 16946-9559.

This existing facility is located in Lawrence Township, **Tioga County**.

Description of Proposed Action/Activity: The Authority proposes the following modifications to the existing wastewater treatment plant: screening device, aerobic digester diffuser system, waste sludge piping, and all other appurtenances.

Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

WQM Permit No. WQG016193, Sewerage, **LCT Energy, LP**, 938 Mount Airy Drive, Suite 200, Johnstown, PA 15904

This proposed facility is located in Shade Township, **Somerset County**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a small flow treatment facility.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

WQM Permit No. 4212202, Industrial Waste, **American Refining Group, Inc.**, 77 North Kendall Avenue, Bradford, PA 16701-1726.

This proposed facility is located in Foster Township, **McKean County**.

Description of Proposed Action/Activity: This permit approves construction and operation of industrial wastewater facilities.

WQM Permit No. 4212201, Industrial Waste, **Casella Waste Management of Pennsylvania, Inc. and CARES McKean, LLC**, 25 Green Hills Lane, Rutland, VT 05701.

This proposed facility is located in Sergeant Township, **McKean County**.

Description of Proposed Action/Activity: This permit approves the construction and operation of Industrial Waste facilities to treat natural gas-related wastewaters and landfill leachate.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1507029A1-R	Brian Forcine 2403 Yellow Springs Road Malvern, PA 19335	Chester	Charlestown Township	Pickering Creek (HQ-TSF)
PAI01 151222	Sisters, Servants of the Immaculate Heart of Mary 1140 King Road Immaculata, PA 19345	Chester	East Whiteland Township	Unnamed Tributary Valley Creek (EV-MF)
PAI01 461204	PA Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	Montgomery	West Norriton and Lower Providence Townships	Schuylkill River (WWF); Delaware River (MF)

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026612001	S.T.J. Williams Family Partnership, LTD P. O. Box 3655 Scranton, PA 18507	Wyoming	Eaton Twp.	Bowman's Creek, HQ-CWF, MF
PAI023911023	PPL Electric Utilities 2 North Ninth St. GENN-3 Allentown, PA 18101	Lehigh	Upper Macungie Twp.	Breinig Run, HQ-CWF, MF
PAI023912013	PPL Electric Utilities 2 North Ninth St. GENN-3 Allentown, PA 18101	Lehigh	Upper Macungie Twp.	Breinig Run, HQ-CWF, MF
PAI024811006	Stone Creek Development Corp. 4511 Falmer Dr. Bethlehem, PA 18020	Northampton	Upper Nazareth Twp.	Monocacy Creek, HQ-CWF, MF
PAI021310001	The Woods Campground 845 Vaughn Lane Lehighton, PA 18235	Carbon	Towamensing Twp.	White Oak Run, EV

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI024812010	PPL Electric Utilities Two North Ninth St. Allentown, PA 18101	Northampton	Allen Twp., Moore Twp., and Lehigh Twp.	Lehigh River, TSF, MF; Hokendauqua Creek, CWF, MF; Unnamed Tributaries to Hokendauqua Creek, CWF, MF; Indian Creek, CWF, MF; Bushkill Creek, HQ-CWF, MF; Unnamed Tributaries to Bushkill Creek, HQ-CWF, MF

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone 717.705.4802.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI032106010R	United States Army Carlisle Barracks 303 Engineer Avenue Carlisle, PA 17013	Cumberland	South Middleton Township	Letort Spring Run (HQ-CWF)

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI041412007	Jonathan Cook New Enterprise Stone & Lime PO Box 77 New Enterprise PA 16664	Centre	Ferguson Twp	Spruce Creek HQ-CWF, MF

Lycoming County Conservation District: 542 County Farm Road Suite 202, Montoursville, PA 17754, (570) 433-3003

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI044112004	Stewart Dibble Black Bear Holdings LLC 2702 Wooley Rd Wall NJ 07719	Lycoming	Lewis Township	Dougherty Run HQ-CWF Lycoming Creek EV, MF

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

McKean County Conservation District, 17137 Route 6, Smethport PA 16749

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI064212003	Bradford City Water Authority 28 Kennedy Street Bradford PA 16701	McKean	Bradford and Foster Townships	Gilbert Run / Marilla Brook HQ-CWF; Brown Valley Run / Marilla Brook CWF; Marilla Brook / W. Branch Tunungwant Creek CWF

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems

PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

General Permit Type-PAG-02

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Durham Township Bucks County	PAG0200 0910061-R	Arnold H. & Sheryl Patterson 1466 Chestnut Road Upper Black Eddy, PA 18972	Delaware River and Rodges Run (WWF-MF-TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bensalem Township Bucks County	PAG0200 0906172-R	Beechwood Investors, LP Dba DeLuca Homes 370 East Maple Avenue, Ste 101 Langhorne, PA 19047	Poquessing Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Valley Township Chester County	PAG0200 1512023	Orleans RH PA-IL, LP 3333 Street Road, Suite 101 Bensalem, PA 19020	West Branch Brandywine Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Whiteland Township Chester County	PAG0200 151005	Maximum Fitness 82 Pennsylvania Avenue Avondale, PA 19311	Lionville Run (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Uwchlan & West Goshen Townships Chester County	PAG0200 1512030 (Renewal PAS1-G509R)	First Landings, Inc. 15 East Ridge Pike Conshohocken, PA 19428	East Branch Chester Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Thornbury Township Chester County	PAG0200 1510032-R	Cheyney University 1837 University Circle Cheyney, PA 19319	Chester Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Pennsbury Township Chester County	PAG0200 1507051-R	First Blackhawk, LLC PO Box 467 Concordville, PA 19331	Unnamed Tributaries to Bennett Run and West Branch Brandywine Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

*Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water / Use**Contact Office &
Phone No.*

London Grove Township Chester County	PAG0200 1512028	Neal P. Vanore 420 West Baltimore Pike West Grove, PA 19390	White Clay Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Chester & Aston Townships Delaware County	PAG0200 2310011-R	PA Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406-1525	Baldwin Run (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Salford Township Montgomery County	PAG0200 4606200-R	Alexander McConnell 2150 Old Morris Road Harleysville, PA 19438	Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Merion Township Montgomery County	PAG0200 4612008	Marc Streadman 50 South 10th Street, TP3-7-05 PO Box 1173 Minneapolis, MN 55440	Schuylkill River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Pennsburg Borough Montgomery County	PAG0200 4610065	Still Waters Retirement Community 2461 East High Street, Suite M-12 Pottstown, PA 19464	Green Lane Reservoir (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Merion Township Montgomery County	PAG0200 4612061	Jeffrey W. Haas 33 Rock Hill Road, Suite 200 Bala Cynwyd, PA 19004	Schuylkill River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Limerick Township Montgomery County	PAG0200 4608162-R1	Bruce Auebach 2701 Renaissance Blvd, 4th Floor King of Prussia, PA 19406	Sanatoga Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Marlborough Township Montgomery County	PAG0200 4610070-R	Fred MacIntosh 602 East Broad Street Souderton, PA 18964	Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Pottsgrove Township Montgomery County	PAG0200 4607098-R	Don Mishler 2001 Market Street, Suite 2610 Philadelphia, PA 19103	Unnamed Tributary Manatawny Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Scranton, Lackawanna County	PAG02003512004	Pennsylvania American Water Company 800 West Hershey Park Drive Hershey, PA 17033	Stafford Meadow Brook, WWF,MF	Lackawanna Co. Cons. Dist. 570-281-9495

Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Littlestown Borough Adams County	PAG02000112009	Donald R. Smith 25 Foxtown Drive Abbottstown, PA 17301	Alloway Creek/WWF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Maxatawny Township Berks County	PAG02000612028	Gabriel Khalife Kutztown Borough 45 Railroad Street Kutztown, PA 19530	Sacony Creek/TSF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142

Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, Pa 17701 570.327.3636

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Fairfield & Muncy Townships Lycoming County	PAG02004112029	Aubrey Alexander 10 Alexander Dr Muncy PA 17756	Turkey Run WWF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville PA 17754 (570) 433-3003

Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
City of Pittsburgh Robinson Township Allegheny County	PAG02000212058	Jack H McLain Norfolk Southern Railway Co 1200 Peachtree St N.E. Atlanta, GA 30309	Chartiers Creek (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
Ohio Township Allegheny County	PAG02000212047	Ken Spokane Pittsburgh Veterinary Specialty & Emergency Center 807 Camp Horne Road Pittsburgh, PA 15237	Lowries Run (TSF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Moon Township	PAR10A456-3R-1	Randy Forister Allegheny County Airport Authority PO Box 12370 Landside Terminal 4th Floor Mezzanine Pittsburgh, PA 15231 Michael Hudec Continental Real Estate Companies Continental/Chaska, LLC 150 East Broad St. 8th Floor Columbus, OH 43215	Montour Run (TSF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
Collier Township Carnegie Borough Allegheny County	PAG2000206033R	Hiroo K. Patel Prestley Heights, LP 2577 Corteland Drive Pittsburgh, PA 15241	Chartiers Creek Watershed (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
Pine Township Allegheny County	PAR10A616R	David Wolf Showcase Properties 1383 State Route 30 Clinton, PA 15026	Pine Creek (CWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
Crafton Borough Allegheny County	PAG02000212048	Robert Callen Crafton Borough 100 Stoltz Avenue Pittsburgh, PA 15205	Chartiers Creek (WWF), UNT to Chartiers Creek (WWF) Chartiers Creek Watershed (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
Kennedy Township Allegheny County	PAG02000205049-1R	Daniel Caste McDowell Estates LP 300 Weyman Road Suite 210 Pittsburgh, PA 15236	UNT to Ohio River (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Sewickley Heights Borough Allegheny County	PAG02000212059	Robert & Gwendolyn Schillo 511 Sewickley Heights Drive Sewickley, PA 15143	UNT to Kilbuck Run (CWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
City of Pittsburgh Millvale Borough Allegheny County	PAG02000208082-1	Cheryl Moon-Sirianni PA Dept of Transportation District 10-0 45 Thoms Rd Bridgeville, PA 15017	UNT to Allegheny River (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
Hampton Township Allegheny County	PAG02000212052	Richard R. Miller, Jr. William Miller Sons, Inc. 4377 William Flynn Hwy Allison Park, PA 15101	UNT to Pine Creek (TSF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
Richland Township Allegheny County	PAG020002012018-1	Sister Benita DeMatteis Benedictine Sisters Convent 4530 Perrysville Ave Pittsburgh, PA 15229	UNT to Deer Creek (CWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
Cranberry Township Butler County	PAG02001003202R	Maronda Homes of Pittsburgh Attn: Mr. Daniel Wolf 11 Timberglen Drive Imperial PA 15126	UNT Wolfe Run WWF	Butler County Conservation District 724-284-5270
Slippery Rock Borough Butler County	PAG02001012025	Sheetz Inc Attn: Mr. David Mastrostefano 817 Brookfield Drive Seven Fields PA 16046	UNT Wolf Creek CWF	Butler County Conservation District 724-284-5270
Slippery Rock Borough Butler County	PAG02001012034	Campus Crest at Slippery Rock LP Attn: Sean Barley 2100 Rexford Road Charlotte NC 28211	UNT Slippery Rock Creek CWF	Butler County Conservation District 724-284-5270
Cranberry Township Butler County	PAG02001012042	Cranberry Township 2525 Rochester Rd, Ste 400 Cranberry Township PA 16066-6499	UNT Brush Creek WWF	Butler County Conservation District 724-284-5270

*Facility Location:
Municipality &
County**Permit No.**Applicant Name and
Address**Receiving
Water / Use**Contact Office and
Phone No.*Jefferson Township
Butler County

PAG02001012045

West Penn Power Company
Attn: Mr. Fred J. Starheim
800 Cabin Hill Drive
Greensburg PA 15601UNT Thorn Creek
CWFButler County
Conservation
District
724-284-5270Pymatuning
Township
Mercer County

PAG02004312008

Sheetz Inc—Transfer 188R
c/o William A. Sauserman
351 Sheetz Way
Claysburg PA 16625UNT Brush Run
WWFMercer County
Conservation
District
724-662-2242*General Permit Type—PAG-3**Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water / Use**Contact Office &
Phone No.*Silver Spring
Township
Cumberland County

PAR803513

Crete Carrier / Shaffer Trucking
49 East Main Street
New Kingston, PA 17072Hogestown Run /
CWFDEP-SCRO
909 Elmerton
Avenue
Harrisburg, PA
17110-8200
717-705-4707Lebanon City
Lebanon County

PAR123518

Murry's Inc.
1501 Willow Street
Lebanon, PA 17046Brandywine Creek /
TSFDEP-SCRO
909 Elmerton
Avenue
Harrisburg, PA
17110-8200
717-705-4707Bethel & Jackson
Twp
Lebanon County

PAR603604

Greble Scrap Recycling
988 Houtztown Road
Myerstown, PA 17067UNT to Little
Swatara Creek /
WWFDEP-SCRO
909 Elmerton
Avenue
Harrisburg, PA
17110-8200
717-705-4707Boggs Township
Centre County

PAR314832

Bestway Service Garage Inc.
175 Antis Run Road
Howard, PA 16841

Antis Run— 9-C

DEP Northcentral
Regional Office
Clean Water
Program
208 W Third Street
Suite 101,
Williamsport, PA
17701-6448
570.327.3664Montgomery
Borough,
Lycoming County

PAR314831

Newalta Environmental
Services, Inc.
145 Miller Avenue
Montgomery, PA 17752Black Hole Creek,
TSF-MFDEP Northcentral
Regional Office
Clean Water
Program
208 W. 3rd Street
Williamsport, PA
17701
570-327-3664Stillwater Borough
Columbia County

PAR224809

Collins Tool Corp
37B Lower Raven Creek Road
Stillwater, PA 17878-9344

Raven Creek— 5-C

DEP Northcentral
Regional Office
Clean Water
Program
208 W Third Street
Suite 101,
Williamsport, PA
17701-6448
570.327.3664

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Sandy Township Clearfield County	PAR804888	Fort Worth Pipe Services LP 650 Rail Terminal Drive Dubois, PA 15801	Sandy Lick Creek—17-C	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Muncy Creek Township Lycoming County	PAR314835	FMC Technologies Integrated Services 320 Marcellus Drive Muncy, PA 17756	West Branch Susquehanna River—10-D	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
White Deer Township Union County	PAR804835	Pilling's FRP, Inc. 2525 Old Route 15 New Columbia, PA 17856	West Branch Susquehanna River—10-C	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Clinton Township, Lycoming County	PAR314822	Express Energy Svcs LLC 776 Saeger Station Road Montgomery, PA 17752	Unnamed Tributary to West Branch Susquehanna River—10-C	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Sayre Borough Bradford County	PAR804857	JW Bishop Co. Inc. 318 N. Elmer Avenue P. O. Box 36 Sayre, PA 18840-0036	Unnamed Tributary to Susquehanna River—4-B	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Menallen Township Fayette County	PAR606182	Route 51 Auto & Truck Parts 907 Old Route 51 Smock, PA 15480	Redstone Creek	Southwest Regional Office: Clean Water Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Annin Township McKean County	PAR708307	Glenn O Hawbaker Inc. 711 East College Avenue, Bellefonte, PA 16823	Unnamed Tributary of the Allegheny River 16-C	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

General Permit Type—PAG-10

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Harford Township Susquehanna County	PAG102259	Williams Field Service Co. LLC (Payne WC Pipeline) 1605 Coraopolis Road Moon Township, PA 15108-4310	Butler Creek, Unnamed Tributary #29111 to Butler Creek, and Unnamed Tributary #29225 to Butler Creek—4-F	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511

General Permit Type—PAG-12

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Lower Windsor Twp. York County	PAG123718	Buser Farms 49 Buser Farm Lane York, PA 17406	UNT of Cabin Creek / WWF	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

Southeast Region: Safe Drinking Water Program Manager, 2 East Main Street, Norristown, PA 19401

Permit No. 0912507, Public Water Supply.

Applicant	Warwick Township Water & Sewer Authority 1733 Township Greene P. O. Box 315 Jamison, PA 18929
Township	Warwick
County	Bucks
Type of Facility	PWS
Consulting Engineer	Ebert Engineering, Inc. P. O. Box 540 4092 Skippack Pike Suite 202 Skippack, PA 19474

Permit to Construct Issued October 15, 2012

Permit No. 4612509, Public Water Supply.

Applicant **Yerkes Water Association**
17A Henry Avenue
Collegeville, PA 19426

Township Lower Providence

County **Montgomery**

Type of Facility PWS

Consulting Engineer Cawley Environmental Services, Inc.
637 Jeffers Circle
Exton, PA 19341

Permit to Construct Issued October 12, 2012

Permit No. WA-09-1006, Public Water Supply.

Applicant **Warwick Township Water & Sewer Authority**
P. O. Box 315
1733 Township Greene
Jamison, PA 18929

Township Warwick

County **Bucks**

Type of Facility PWS

Consulting Engineer Ebert Engineering, Inc.
P. O. Box 540 Skippack Pike
Suite 202
Skippack, PA 19474

Permit to Construct Issued October 15, 2012

Operations Permit 0912527 issued to: **Green Top Mobile Home Park** (PWSID) West Rockhill Township, **Bucks County** on October 11, 2012 for the operation of six (6) storage tanks approved under construction permit #0911549.

Operations Permit 0912529 issued to: **Palisades School District** (PWSID) Nockamixon Township, **Bucks County** on October 15, 2012 for Nockamixon Elementary School—retention tanks and phosphate feed System approved under construction permit #0912510.

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Permit No. 3112502, Public Water Supply.

Applicant **Huntingdon Borough**

Municipality Huntingdon Borough

County **Huntingdon**

Responsible Official Karen A. Foust, Borough Secretary
530 Washington Street
PO Box 592
Huntingdon, PA 16652-0592

Type of Facility Modifications to the Huntingdon Water Treatment Plant which include the raw water intake, raw water pump station, rapid mixer, flocculation and sedimentation basins, filters, clearwell and the sendout pumping station.

Consulting Engineer William A LaDieu, P.E.
CET Engineering Services, GHD
1240 N. Mountain Road
Harrisburg, PA 17112

Permit to Construct Issued: 10/12/2012

Permit No. 2212503 MA, Minor Amendment, Public Water Supply.

Applicant **GSP Management Company**

Municipality East Hanover Township

County **Dauphin**

Responsible Official James Perano, COO
PO Box 677
Morgantown, PA 19543

Type of Facility GWR 4-log treatment of viruses for EP 100 with the installation of additional contact piping.

Consulting Engineer James A. Cieri, P.E.
ACT ONE Consultants, Inc.
200 S. 41 Street
Harrisburg, PA 17111

Permit to Construct Issued: 10/12/2012

Permit No. 3612515, Public Water Supply.

Applicant **Valco Companies, Inc.**

Municipality East Lampeter Township

County **Lancaster**

Responsible Official Jeremy Crum, Dep Operator
1697 Swamp Pike
Gilbertsville, PA 19525

Type of Facility Valco Bird in Hand-Installation of anion exchange for nitrate treatment.

Consulting Engineer Bruce Rader, P.E.
Berks Surveying & Engineering, Inc.
311 East Main Street
Fleetwood, PA 19522

Permit to Construct Issued: 10/17/2012

Permit No. 3612517, Public Water Supply.

Applicant **Sunoco Quick Mart/Mt. Hope Food Mart**

Municipality Rapho Township

County **Lancaster**

Responsible Official Curtis M. Herman P.G., President
155 Route 423
Pocono Pines, PA 18350

Type of Facility Granular Activated Carbon (GAC) for Volatile Organic Carbon (VOC) treatment

Consulting Engineer Michael T Crimmel, P.E.
Austin James Associates, Inc.
155 Route 423
Pocono Pines, PA 18350

Permit to Construct Issued: 10/17/2012

Permit No. 3612520, Public Water Supply.

Applicant **Valco Companies, Inc.**
 Municipality Leacock Township
 County **Lancaster**
 Responsible Official Robert Oliver
 2710 Division Highway
 New Holland, PA 17557
 Type of Facility Valco New Holland
 Headquarters-Installation of anion
 exchange for nitrate treatment.
 Consulting Engineer Bruce Rader, P.E.
 Berks Surveying & Engineering,
 Inc.
 311 East Main Street
 Fleetwood, PA 19522
 Permit to Construct 10/17/2012
 Issued:

Permit No. 6712516 MA1, Minor Amendment, Public Water Supply.

Applicant **New Life for Girls Inc.**
 Municipality Conewago Township
 County **York**
 Responsible Official Rev. Jose L. Pacheco, President,
 Executive Director
 5925 Lewisberry Road
 PO Box 170 (Mailing address)
 Dover, PA 17315
 Type of Facility Installation of nine 120-gallon
 chlorine contact tanks and
 demonstration of 4-log treatment
 of viruses.
 Consulting Engineer 1 - Not Available
 Permit to Construct 10/17/2012
 Issued:

Permit No. 3612535 MA, Minor Amendment, Public Water Supply.

Applicant **Mr. Merle Z. Eberly**
 Municipality East Cocalico Township
 County **Lancaster**
 Responsible Official Merle Eberly
 PO Box 251
 Morgantown, PA 19543
 Type of Facility Locustwood Mobile Home Park-
 Installation of 100 feet of 10-inch
 chlorine contact piping and
 demonstration of 4-log treatment
 of viruses.
 Consulting Engineer 1 - Not Available
 Permit to Construct 10/17/2012
 Issued:

Operations Permit issued to: **UMH PA Lancaster County, LLC**, 7360156, Caernarvon Township, **Lancaster County** on 9/25/2012 for the operation of facilities submitted under Application No. 7360156 t.

Operations Permit issued to: **Mr. Lee Mummau**, 7360056, Drumore Township, **Lancaster County** on 10/12/2012 for the operation of facilities submitted under Application No. 3612529 MA.

Operations Permit issued to: **Creek View Mobile Home Park**, 7210001, Upper Frankford Township, **Cumberland County** on 10/17/2012 for the operation of facilities submitted under Application No. 7210001 a.

Operations Permit issued to: **Adams County Facilities Center**, 7010056, Straban Township, **Adams County** on 10/12/2012 for the operation of facilities submitted under Application No. 0112510 MA.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Permit No. 2512503 Public Water Supply

Applicant **Albion Borough**
 Township or Borough Albion Borough
 County **Erie**
 Type of Facility Public Water Supply
 Consulting Engineer August E. Maas, P.E.
 Hill Engineering, Inc.
 8 Gibson Street
 North East, PA 16428
 Permit to Construct October 23, 2012
 Issued

SEWAGE FACILITIES ACT PLAN APPROVAL**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
East Lampeter Township	2250 Old Philadelphia Pike, Lancaster, PA 17602	Lancaster

Plan Description: The approved plan provides for the adoption and implementation of a Township wide on-lot sewage disposal system operation and management program and the extension of municipal sewage service to the New Holland Pike, Siegrist Road, Old Philadelphia Pike, Springdell Road and Alfa Drive areas of the Township. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Upper Tulpehocken Township	6501 Old Route 22, Bernville, PA 19506	Berks

Plan Description: The approved plan provides for the adoption and implementation of a Township wide on-lot sewage disposal system operation and management program. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Reading City	815 Washington Street, Reading, PA 19601	Berks

Plan Description: The approved plan provides for an upgrade and contraction of the existing 28.5 MGD sewage treatment plant to 20.5 MGD average daily flow in order to meet the flow projections through 2035. The Plan includes many equipment and process upgrades including an upgrade to the existing trickling filters, adding a new biological aeration basin, digester upgrades and new solids thickening including centrifuges. The proposed treatment system is adaptable for nutrient removal should it be required in the future. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Robeson Township	2689 Main Street, Birdsboro, PA 19508	Berks

Plan Description: The approved plan provides for the adoption and implementation of a Township wide on-lot sewage disposal system operation and management program. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk

assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Khoury Property, 1003 Broadway, Fountain Hill Borough, **Lehigh County**. Christopher Jacangelo, J. Rockwood & Associates, Inc., P. O. Box 1006, Easton, PA 18044 has submitted a Final Report (on behalf of his client, Dr. Rami A. Khoury, DMD, 1003 Broadway, Bethlehem, PA 18015), concerning the remediation of soil found to have been impacted by No. 2 heating oil as a result of a release from a pitted/corrosive steel underground storage tank, which was observed during the tank's removal process. The report was submitted to document attainment of the Residential Statewide Health Standard for soils. The current use and future use of the property are commercial (dental office). A public notice regarding the submissions of the NIR and the Final Report was published in *The Morning Call* on October 6, 2011.

Miners Plaza, 2880 Pottsville Minersville Highway, Branch Township, **Schuylkill County**, Kyle Zimmerman, United Environmental Services, Inc., has submitted a Final Report on behalf of his client, James Miller, MBC Development LP, PO Box 472, 950 East Main Street, Schuylkill Haven, PA 17972, concerning the remediation of soil from No. 2 fuel oil as a result of a leaking underground storage tank. The applicant proposes to remediate the site to meet the Non-Residential Statewide Health Standards for soils. The intended future use of the site is commercial. A public notice regarding the submissions of the NIR and Final Report was published in *The Republican-Herald* on June 29, 2012.

West Easton Development Office Building, 108 Main Street, West Eaton Borough, **Northampton County**, Douglas H. Sammak, American Analytical & Environmental Inc., has submitted a Final Report on behalf of his client, Mr. Mickey K. Thompson, West Eaton Development LP, 1177 6th Street, Whitehall, PA 18052, concerning the remediation of soil from No. 2 fuel oil discovered during the removal of a previously abandoned underground storage tank. The applicant proposes to remediate the site to meet the Residential Statewide Health Standards for soils. The intended future use of the property will be unrestricted in use. A public notice regarding the submission of the NIR was published in *The Express Times* on April 3, 2012 and a public notice regarding the submission for the Final Report was published in *The Express Times* on October 3, 2012.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Drake Well Museum, Cherrytree Township, **Venango County**. Letterle & Associates, LLC., 191 Howard Street, Franklin, PA 16323 on behalf of PA Department of General Services, 503 North Office Building, Harrisburg, PA 17125 has submitted a Final Report concerning remediation of site soils contaminated with Benzene, Naphthalene, Fluorene, Anthracene, Phenanthrene, Pyrene, Benzo[a]anthracene, Chrysene, Benzo[b]fluoranthene, Benzo[a]pyrene, Benzo[g,h,i]perylene and site groundwater contaminated with Benzene, Naphthalene, Phenanthrene, Pyrene, and Chrysene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Robertshaw Controls Facility (Former), Hillis Street and Third, Youngwood Borough, **Westmoreland County**. American Geosciences, Inc., 3925 Reed Blvd, Suite 400, Murrysburg PA 15668-1848 on behalf of Robertshaw Controls Company c/o Invensys Foxboro, 33 Commercial Street, C41-2#, Foxboro, MA 02035 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with TCE and its degradation products.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701

American Rock Salt Company, LLC—Salt Pile Area, Sandy Township, **Clearfield County**. EnSol Inc., 661 Main Street, Niagara Falls, NY 14301 on behalf of Barb Horton, PO Box 190, 5520 Rt. 63, Mt. Morris, NY 14510 has submitted a Final Report concerning remediation of site soils contaminated with Sodium Chloride. The report is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and

cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Ventresca Residence, 603 West Norwegian Street, Pottsville City, **Schuylkill County**, Richard Trimpi, Trimpi Associates, Inc., has submitted a Final Report (on behalf of their client, Michelle Ventresca, 603 West Norwegian Street, Pottsville, PA 19038), concerning the remediation of soil from No. 2 fuel oil believed to have migrated from an adjoining property at 605 West Norwegian Street because of a release from a buried fuel line. The report documented attainment of the Residential Statewide Health Standard for soils and was approved on October 12, 2012.

Ruth S. Moreton Trust Property, 130 McKinley Avenue, Ross Township, **Monroe County**, Martin Gilgalon, Pennsylvania Tectonics, Inc., had submitted a Final Report (on behalf of his client, John Moreton, 1935 Center Street, Northampton, PA 18067), concerning the remediation of soil due to the removal of a 1,000 gallon No. 2 fuel oil underground storage tank and a 500 gallon gasoline underground storage tank. The report documented attainment of the Residential Statewide Health Standard for soils and was approved on October 12, 2012.

Compton Property (Compton Farm), 4662 Route 590/Hamlin Highway, Jefferson Township, **Lackawanna County**. Robert M. Byer, Jr., Sovereign Consulting, Inc., 50 West Welsh Pool Road, Suite 6, Exton, PA 19341 had submitted a Final Report (on behalf of his client, Forrest Compton, 4662 Route 590, Hamlin Highway, Moscow, PA 18444), concerning the remediation of soil found to have been impacted by a petroleum product as a result of a release from an unregulated farm 1,000-gallon aboveground storage tank. A summary of the NIR was published in *The Villager* on August 10, 2011 and a summary of the Final Report was published in *Moscow*

Villager on September 12, 2012. The report documented attainment of the Residential Statewide Health Standard for soil and was approved on October 12, 2012.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Albion Borough Waste Water Treatment Plant, Albion Borough, Erie County. Environmental Coordination Services and Recycling, 3237 U.S. Highway 19, Cochran, PA 16314 on behalf of Albion Waste Water Treatment Plant, 11230 Best Avenue, Albion, PA 16401 has submitted a Final Report concerning remediation of site soils contaminated with Diesel Fuel, Benzene, Toluene, Ethylbenzene, Isopropylbenzene, Naphthalene, Methyl tert-butyl ether (MTBE), 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene and groundwater contaminated with Diesel Fuel, Benzene, Toluene, Ethylbenzene, Isopropylbenzene, Naphthalene, Methyl tert-butyl ether (MTBE), 1,2,4-Trimethylbenzene, and 1,3,5-Trimethylbenzene. The site was remediated within 90 days of the release. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 15, 2012.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701

American Rock Salt Company, LLC—Salt Pile Area, Sandy Township, Clearfield County. EnSol Inc., 661 Main Street, Niagara Falls, NY 14301 on behalf of Barb Horton, PO Box 190, 5520 Rt. 63, Mt. Morris, NY 14510 has submitted a Final Report concerning the remediation of site soil contaminated with Sodium Chloride. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 9, 2012.

Appalachian Midstream, Standing Stone Township, Bradford County. Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, Pa 18403 on behalf of Ms. Elaine Ephlin, 53 Hunter Lane, Wysox, Pa 18854 has submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Ethylbenzene, Cumene, MTBE, Naphtalene, Toluene, Total Xylenes, 1,2,4-TMB, 1,3,5-TMB, Anthracene, Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(g,h,i)perylene, Chrysene, Fluorene, Indeno(1,2,3-cd)pyrene, Phenanthrene, Pyrene, Total Lead. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 10, 2012.

Dirt Excavating, Union Township, Tioga County. Penn E & R, 13180 Route 6, Mansfield, Pa 16933 on behalf of Penn DOT District 3-0, 715 Jordan Avenue, Montoursville, Pa 17754-0218 has submitted a Final Report concerning the remediation of site soil contaminated with Ethylene Glycol. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 17, 2012.

RESIDUAL WASTE GENERAL PERMITS

Permit(s) Issued Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

General Permit ID No. WMGM041SW001. The Municipal Authority of the Borough of Derry, 113 Pittsburgh Street, Derry, PA 15627. Sale and beneficial use of municipal or residual wastewater effluent ("treated effluent") that is approved for discharge under an NPDES (National Pollution Discharge Elimination System) permit to be used by the natural gas industry as makeup water during hydraulic fracturing and extraction of natural gas for gas well development operations from Marcellus Shale geologic formations. Permit was issued in the Regional Office on October 16, 2012.

Persons interested in reviewing the general permit may contact Diane McDaniel, Environmental Engineering Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.

General Permit No. WMGR081D033. Universal Waste Solutions, LLC. This permit is for the beneficial use of electronic equipment and components by sorting, disassembling or mechanical processing. The permit was issued by Central Office on October 15, 2012.

Persons interested in reviewing the general permit may contact Scott Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

RESIDUAL WASTE—GENERAL PERMIT

Application for General Permit, Determination of Applicability Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

Renewal of General Permit

General Permit Application No. WMGR081D032. eGreen Electronic Recycling, 175 E. King Street, Suite 3, Ephrata, PA 17522. This application is for renewal of a residual waste general permit for processing of electronic materials. Processing is limited to dismantling, sorting, and packaging/shipping of electronic waste materials. The application for renewal was deemed to be administratively complete by Central Office on October 16, 2012.

General Permit Application No. WMGR081D003. Envirocycle, 899 Assembly Place, Hallstead, PA 18822. This application is for renewal of a residual waste general permit for processing of electronic materials. Processing is limited to dismantling, sorting, and packaging/shipping of electronic waste materials. The application for renewal was deemed to be administratively complete by Central Office on October 17, 2012.

Determination of Applicability—General Permit

General Permit Application No. WMGR081D031. Creative Recycling Systems of Pennsylvania, LLC. 250 Boulder Dr., Suite 300, Breinigsville, PA 18031. This application is for the Determination of Applicability of a residual waste general permit for processing of electronic materials. Processing is limited to dismantling, sorting, and packaging/shipping of electronic waste materials. The application for renewal was deemed to be administratively complete by Central Office on October 16, 2012.

Persons interested in reviewing these applications may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17105-8472, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit(s) issued under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southwest Regional Office, Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412.442.4000.

Permit ID No. 101706. Michael Brothers Hauling, Inc., 5331 McAnulty Road, Pittsburgh, PA 15236. Operation of a Municipal/Construction & Demolition Waste Transfer Facility in Baldwin Borough, **Allegheny County.** Permit issued in the Regional Office on October 23, 2012.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

39-302-202GP1: Packaging Corporation of America (7451 Cetronia Road, Allentown, PA 18106) on October 5, 2012, to operate one (1) Cleaver Brooks Boiler at their site in Upper Macungie Township, **Lehigh County.**

58-399-040GP5: Williams Field Services LLC (51 Warren Street, Tunkhannock, PA 18657) on July 5, 2012, to construct and operate an additional dehydrator. The total number of dehydrators/reboilers will now be three (3) at their Central natural Gas Compressor Station site to in Bridgewater and Brooklyn Township, **Susquehanna County.**

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

GP5-41-02F: Chief Gathering, L.L.C. (6051 Wallace Road Ext., Suite 210, Wexford, PA 15090) on October 16, 2012, to construct and operate a 75 MMscf/day glycol dehydrator with a 1.5 MMBtu/hr heater whose air-contaminant emissions are controlled by an 8.5 MMBtu/hr Frederick Logan thermal oxidizer with a 3 MMBtu/hr burner, four (4) 12,600 gallon produced water tanks, and two (2) glycol tanks pursuant to the General Plan Approval for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) at the Barto Compressor Site in Penn Township, **Lycoming County.**

GP9-19-204: AT&T Communications of Pennsylvania, LLC (311 Earth Station Road, San Ramon, CA 94583) on October 4, 2012, to construct and operate one 4,060 hp Cummins model QSK78-G12 generator engine to emergency backup power pursuant to the General Plan Approval and /or General Operating Permit BAQ-GPA/GP-9: Diesel or #2 fuel-fired Internal Combustion Engines, at their Catawissa Facility in Cleveland Township, **Columbia County.**

GP5-41-708: Angelina Gathering Co., LLC (2350 North Sam Houston Parkway, Suite 125 Houston, TX 77032) on October 12, 2012, to construct and operate 12 1380 hp Caterpillar 3516 LE 4SULB compressor engine(s) each equipped with a Powertherm GT Catalystist, model 201 VO-3-200-7114, one (1) 449 hp Doosan model D146L 4SRB generator engine equipped with a catalyst, two (2) 120 MMSCF/day dehydrator No. 1 and No. 2 glycol dehydrator and associated two (2) 2 MMBtu/hr reboiler No. 1 & No. 2, and one (1) 5000 gallon Lube Oil Bulk Tank, and one (1) 3000 gallon TEG Bulk Tank, and two (2) 6300 gallon Produced Water Tank No. 1 and No. 2, and one (1) 6300 gallon Discharge Water Tank, at their Laurel Hill Compressor Station in Cogan House Township, **Lycoming County.**

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

GP14-30-00164A: Tennant Wilbert Vault Co. (P. O. Box 7, Blairsville, PA 15717) on October 10, 2012, received a renewal to operate a human crematory unit located in Mount Morris, **Greene County.**

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

GP5-43-342B: Enervest Operating, LLC—Collins Compressor Station (Kinsman Road, Mercer, PA 16137) on October 11, 2012, to operate a natural gas fired compressor engine, Caterpillar Engine, Model No. G3406TA (BAQ-GPA/GP-5) in West Salem Township, **Mercer County.**

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

57-00005A: Appalachia Midstream Services, LLC (P. O. Box 54382, 6100 North Western Avenue, Oklahoma City, OK 73154) on September 28, 2012, to construct five (5) compressor engines and one (1) dehydration unit at their Cherry Compressor Station in Cherry Township, **Sullivan County**.

GP5-12-059A: Seneca Resources Corp. (5800 Corporate Drive, Suite 300, Pittsburgh, PA 15237) on October 12, 2012, to construct and operate a 203 brake horsepower, Caterpillar model G33-06TA natural gas-fired engine with an oxidation catalyst and a 3 MMscf/day dehydrator pursuant to the General Plan Approval And/Or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP5) at their Beechwood Compressor Station in Shippen Township, **Cameron County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

24-017D: Morgan Advanced Materials & Technology (441 Hall Avenue, St. Marys, PA 15857) on October 10, 2012, to construct a second batch coking oven with thermal oxidizer for control at their facility in City of St. Marys, **Elk County**. This is a State Only Facility.

24-083U: Mersen USA—St. Marys (215 Stackpole Street, St. Marys, PA 15846) on October 15, 2012, to install a continuous baking kiln and associated regenerative thermal oxidizer and wet scrubber at their facility in the City of St. Marys, **Elk County**. This is a Title V facility.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

23-0111A: Janssen Research & Development, Inc. (145 King of Prussia, Radnor, PA 19087) on October 16, 2012, to operate (2) two diesel internal combustion engines in Radnor Township, **Delaware County**

46-0037AB: Global Advanced Metals USA, Inc. (650 County Line Road, Boyertown, PA 19512) on October 16, 2012, to operate a rotoclone wet dust collector in Douglass Township, **Montgomery County**

15-0009C: AGC Chemicals America, Inc. (255 South Bailey Road, Downingtown, PA 19335) on October 16, 2012, to operate a new emission control system in Caln Township, **Chester County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863

01-05039A: Tucker Surface Finishing Center, Inc. (224 East King Street, East Berlin, PA 17316) on October 19, 2012, for the construction and temporary operation of six conveyor painting lines, two enclosed truck booths, a preparation booth, facility pretreatment wash operations, a cure oven, solvent cleaning operations and dry panel filters at the surface coating facility located in East Berlin Borough, **Adams County**. The plan approval was extended.

06-05007N: Carpenter Technology Corp. (101 Bern Street, Reading, PA 19601) on October 19, 2012, for installing a new electrosag remelt (ESR) furnace, a new cut-off saw and new belt polisher all controlled by baghouses, and for installing two new natural gas fired annealing furnaces without controls, at the specialty steel manufacturing facility located in the City of Reading, **Berks County**. The plan approval was extended.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

08-313-042D: Global Tungsten & Powders, Corp. (Hawes Street, North Towanda, PA 18848) on October 17, 2012, to extend the authorization to temporarily operate a new Progressive Technologies model HE-100 plasma gun (PMI gun No. 1, Source ID P227) for their facility, in North Towanda Township, **Bradford County** until May 7, 2013. The particulate matter and hazardous air pollutant emissions from the PMI gun will be controlled by a Farr-Tenkay fabric collector and final filter. The plan approval has been extended.

08-00010C: Global Tungsten & Powders, Corp. (Hawes Street, North Towanda, PA 18848) on October 17, 2012, to extend the authorization to temporarily operate process equipment to manufacture luminescent phosphor ingredients (Source IDs P103, P104, P105) and associated control devices (IDs C103A, C104A, C105A) at their facility in North Towanda Township, **Bradford County** until May 3, 2013. The plan approval has been extended.

08-313-004K: Global Tungsten & Powders, Corp. (Hawes Street, North Towanda, PA 18848) on October 18, 2012, to extend the authorization to temporarily operate process equipment to manufacture ammonium paratungstate (APT) and associated control devices at their facility in North Towanda Township, **Bradford County** until May 3, 2013. The plan approval has been extended.

08-00010D: Global Tungsten & Powders, Corp. (Hawes Street, North Towanda, PA 18848) on October 19, 2012, to extend the authorization to temporarily operate two new plasma spray systems used to coat fuel cell interconnectors (Source ID P229) and a grit blaster used to prepare the interconnector surfaces prior to coating (Source ID P230) at their facility in North Towanda Township, **Bradford County** until May 4, 2013. The plan approval has been extended.

19-00003A: Bloomsburg University (400 East Second Street, Bloomsburg, PA 17815) on October 19, 2012, to extend the authorization to temporarily operate a biomass boiler and associated air cleaning devices and a small natural gas fired boiler at their facility in Bloomsburg Borough, **Columbia County** until April 18, 2013. The plan approval has been extended.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

26-00579A: Tri-State Bio Fuels, LLC (Thompson Recovery Rd., Lemont Furnace, PA 15456) on October 1, 2012, with an expiration date of April 1, 2013, for the Lemont Pellet Plant, a wood pellet manufacturing plant located in North Union Township, **Fayette County**. This plan approval has been extended.

30-00072E: Consol Pennsylvania Coal Company, LLC (1000 Consol Energy Dr., Canonsburg, PA 15317) on October 10, 2012, with an expiration date of April 10, 2013, for continued temporary operation of the Crabapple Overland Conveyor which is part of the Bailey Prep Plant in Richhill Township, **Greene County**. The Bailey Prep Plant is a Title V facility. This plan approval has been extended.

32-00040B: GenOn Wholesale Generation, LLC (121 Champion Way, Suite 200, Canonsburg, PA 15317) on October 11, 2012, with an expiration date of April 11, 2013, to allow for continued temporary operation of the sources covered under this plan approval at the GenOn Seward Generating Station in East Wheatfield Township, **Indiana County**. The Seward Generating Station is a Title V facility. This plan approval has been extended.

65-00661C: Derry Construction Co., Inc. (527 Route 217, Latrobe, PA 15650) on October 12, 2012, to extend the temporary operation period for the counter flow drum mix asphalt plant at the Delmont Asphalt Facility, located in Salem Township, **Westmoreland County**. The new expiration date shall be April 14, 2013. This plan approval has been extended.

65-00983A: Dominion Transmission, Inc.—Rock Springs Compressor Station (1875 Grange Rd., Charleroi, PA, 15022) on October 12, 2012, for a plan approval extension in order have additional time to prepare and submit an application to convert the plan approval into an operating permit in Salem Township, **Westmoreland**. The plan approval has been extended until April 20, 2013.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

25-029C: Erie Coke Corp. (925 East Bay Drive, Erie, PA 16507) on October 31, 2012, for the construction of a coke oven side shed equipped with a fabric filter baghouse to control particulate matter (PM) emissions from coke pushing operations and coke side door leaks in the City of Erie, **Erie County**. The plan approval has been extended.

Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104

Contact: Thomas Huynh, Chief—Telephone: 215-685-9476

V11-036: Interstate Brands Corp. Philadelphia Bakery. (9801 Blue Grass Road, Philadelphia, PA 19114) on October 17, 2012, to operate a bakery in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) 20.412 MMBTU/hr boilers firing natural gas, seventeen (17) <2 MMBTU/hr heaters firing natural gas or propane, three yeast baking

ovens, one yeast fryer, one non-yeast baking oven, and three non-yeast fryers. The air compressors each have selective non-catalytic reduction (SNCR). The yeast-baking ovens are controlled by two catalytic oxidizers.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

09-00143: Naceville Materials—Sellersville Quarry (2001 Ridge Road, Sellersville, PA 18960) on October 17, 2012, for operation of the crushing and screening equipment, and associated wet suppression systems at their quarry in West Rockhill Township, **Bucks County**. The permit is for a non-Title V (State only) facility. The entire facility is restricted to 57.68 ton/year limit on the Particulate Matter (PM) emissions produced by crushing operation. This renewal incorporates General Permit No. 09-310-077GP that was issued for operation of Portable Stone Crushing Plant and Wet Suppression System. It contains conditions including monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863

06-05077: Can Corp. of America, Inc. (326 June Avenue, Blandon, PA 19510-0170) on October 16, 2012, for their can manufacturing facility in Maidencreek Township, **Berks County**. The State-only permit was renewed.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

41-00079: Eureka Resources, LLC (454 Pine Street, Williamsport, PA 17701) on October 19, 2012, to issue a state only operating permit for their facility in Williamsport, **Lycoming County**. The facility's sources include three mechanical vapor recompression distillation units, each incorporating an 896 horsepower, natural gas-fired compressor engine and a 2.5 million Btu per hour, natural gas-fired startup boiler, and a wastewater treatment operation. The potential emission of all air contaminants are below their respective major emission thresholds. The proposed state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

11-00434: Laurel Sand & Stone, Inc.—Chickaree Quarry (210 E. Main Street Ligonier, PA 15658-0556) on October 19, 2012, to issue a State Only Operating Permit to operate a sand processing plant in Jackson Township, **Cambria County**. The facility consists of the following processing equipment: truck loading/ unloading, primary

jaw crusher, 2-deck screen, cone crusher, 3-deck screen, impact crusher, sand auger wash plant and various conveyors and stockpiles. The throughput of the processing plant is limited to 1,890,000 tons of processed sandstone in any consecutive 12 month period and a maximum of 5,400 hours of operation in any consecutive 12 month period. The facility has the potential to emit: 90.02 tons PM per year and 40.87 tons PM-10 per year. The facility is required to conduct daily inspections of the site, as well as maintain records of throughput, hours of operation, and actual emissions to ensure compliance with the operating permit limitations. The proposed authorization is subject to State and Federal Regulations (40 CFR Part 60, Subpart OOO). The permit includes additional operation requirements, monitoring requirements, and recordkeeping requirements.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

46-00166: Harleysville Materials, LLC.—dba M & M Stone Co. (460 Indian Creek Road, Harleysville, PA 19438) on October 16, 2012, this permit was revised to remove language from the permit in regards to the use of wet suppression on sources involved in the Batch Asphalt Plant in Lower Salford Township, **Montgomery County**. The portable crusher and generator originally permitted in this State Only Operating Permit were removed and replaced with a portable crusher and generator in general plan approvals GP3-46-0098 and GP9-46-0053 respectively. The original crusher and generator were removed from the permit through this action. Monitoring and recordkeeping requirements for odors, visible emissions, and fugitive particulate matter and monitoring and recordkeeping requirements for the fuel used in the rotary kiln associated with the Batch Asphalt Plant were changed to reflect the operation of these sources at this facility. This Administrative Amendment of the State Only Operating Permit was issued in accordance with the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450(a)(1).

46-00069: Highway Materials, Inc.—Plymouth Meeting Quarry (5100 Joshua Road, Plymouth Meeting, PA 19462) on October 19, 2012, for modification of the

facility wide permit for operation of a rock crushing plant at their Plymouth Meeting Quarry in Whitemarsh Township, **Montgomery County**. Minor modification issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.462. The modification addresses the removal of Source ID 1011 (Cummins Diesel Engine) and the associated control device C05 (SCR for Cummins Engine) and associated stack S05 (SCR Cummins Stack) from Section A (Site Inventory List) and Section D (Source Level Requirements) of the facility wide operating permit in connection with an Emission Reduction Credit (ERC) application. The minor modification also addresses ERCs generated from the permanent shutdown of the Cummins Diesel Engine, and Source 1012—Caterpillar Diesel Engine. The State Only (Synthetic) Minor Operating Permit includes monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863

06-05025: Morgan Truck Body, LLC—dba Morgan Corp. (35 Thousand Oaks Boulevard, PO Box 588, Morgantown, PA 19543-8838) on October 15, 2012, for their truck body manufacturing facility in Caernarvon Township, **Berks County**. The Title V permit was administratively amended to incorporate the provisions of Plan Approval No. 06-05025C.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

62-00017: United Refining Co. (15 Bradley Street, Warren, PA 16365) for its facility located in Warren City, **Warren County**. The De minimis emission increase is for the construction of the FCC Reactor New Riser Termination Device and Stripping Section. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 Pa. Code § 127.449(i). This list includes the De minimis emission increases since the facility Operating Permit issuance on August 20, 2007.

<i>Date</i>	<i>Source</i>	<i>PM₁₀ (tons)</i>	<i>SO_x (tons)</i>	<i>NO_x (tons)</i>	<i>VOC (tons)</i>	<i>CO (tons)</i>
10-15-12	Riser Termination Device	0.01038	0.002402	0.12247	0.120876	0.060787
Total Reported Increases		0.01038	0.002402	0.12247	0.120876	0.060787
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

Coal Permits Actions

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

17030120 and NPDES No. PA0243663. RES Coal, LLC (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Revision of a bituminous surface mine to add 100 foot road variance located in Beccaria and Bigler Townships, **Clearfield County** affecting 96.3 acres. Receiving streams: unnamed tributary to Banian Run classified for Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 8, 2012. Permit issued October 15, 2012.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

32960103 and NPDES Permit No. PA0213331. Forcey Coal, Inc., 475 Banion Road, Madera, PA 16661, renewal of NPDES Permit, Green Township, **Indiana County**. Receiving stream(s): unnamed tributaries to Little Mahoning Creek, unnamed tributaries to East Run to Little Mahoning Creek, and unnamed tributaries to North Branch of Two Lick Creek classified for the following use(s): high quality cold water fishery, high quality cold water fishery and cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: May 2, 2012. Permit issued: October 11, 2012.

32960103 and NPDES No. PA02613331. Forcey Coal, Inc., P. O. Box 225, Madera, PA 16661, revision of an existing bituminous surface and auger mine to change land use from forestland to pastureland and/or unmanaged natural habitat located in Green and Grant Townships, **Indiana County**, affecting 329.7 acres. Receiving stream(s): unnamed tributaries to Little Mahoning Creek, unnamed tributaries to East Run to Little Mahoning Creek, and unnamed tributaries to North Branch of Two Lick Creek classified for the following use(s): high quality cold water fishery, high quality cold water fishery and cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: May 2, 2012. Permit issued: October 11, 2012.

32960103 and NPDES No. PA02613331. Forcey Coal, Inc., P. O. Box 225, Madera, PA 16661, transfer of an existing bituminous surface and auger mine from Krainak Coal Company, 3124 Firetower Road, Mahaffey,

PA 15757, located in Green and Grant Townships, **Indiana County**, affecting 329.7 acres. Receiving stream(s): unnamed tributaries to Little Mahoning Creek, unnamed tributaries to East Run to Little Mahoning Creek, and unnamed tributaries to North Branch of Two Lick Creek classified for the following use(s): high quality cold water fishery, high quality cold water fishery and cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: May 2, 2012. Application issued: October 11, 2012.

11120101 and NPDES No. PA0268917. E. P. Bender Coal Company, Inc., P. O. Box 594, Carrolltown, PA 15722, commencement, operation and restoration of a bituminous surface and auger mine in White Township, **Cambria County**, affecting 92.0 acres. Receiving stream(s): Dutch Run and unnamed tributary to Dutch Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. The permit includes an authorization under 25 PA Code Chapter 105 to affect and restore 0.53 acres of wetlands. Application received: January 23, 2012. Permit issued: October 11, 2012.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

03010106 and NPDES Permit No. PA0250031. Black Rock Coal Co., Inc. (1107 University Drive, Dunbar, PA 15431). Renewal permit issued for reclamation only to an existing bituminous surface mine, located in South Bend Township, **Armstrong County**, affecting 34.3 acres. Receiving streams: Crooked Creek Application received: May 21, 2012. Permit issued: October 16, 2012.

30090101 and NPDES Permit No. PA0251607. Shannopin Materials, LLC (308 Dents Run Road, Morgantown, WV 26501). Revision permit issued for land use change from forestland to unmanaged natural habitat to an existing bituminous surface mine, located in Monongahela Township, **Greene County**, affecting 120 acres. Receiving streams: unnamed tributaries to Dunkard Creek and Monongahela River. Application received: April 24, 2012. Permit issued: October 16, 2012.

63070101 and NPDES Permit No. PA0251101. Amerikohl Mining, Inc. (1384 State Route 711, Stahlstown, PA 15687). Renewal permit issued for reclamation only to an existing bituminous surface mine, located in Somerset Township, **Washington County**, affecting 183.9 acres. Receiving streams: unnamed tributaries to North Branch Pigeon Creek Application received: July 16, 2012. Permit issued: October 19, 2012.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

24100105 and NPDES Permit No. PA0258971. Allegheny Enterprises, Inc. (3885 Roller Coaster Road, Corsica, PA 15829) Commencement, operation and restoration of bituminous surface mine in Benezette Township, **Elk County** affecting 166.0 acres. Receiving streams: Unnamed tributaries to Bennett Branch. Application received: November 21, 2010. Permit Issued: October 17, 2012.

33070102. P. and N. Coal Co., Inc. (P. O. Box 332, Punxsutawney, PA 15767) Renewal of an existing bituminous surface mine in Knox Township, **Jefferson County** affecting 23.1 acres. Receiving streams: Unnamed tributary to Five Mile Run. This renewal is issued for reclamation only. Application received: August 29, 2012. Permit Issued: October 17, 2012.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

61124001. Dynamic Drilling, LLC (10373 Taylor Hawks Road, Herron, MI 49744) Blasting activity permit for seismic exploration in Sugar Creek, Canal, Jackson, Plum, Oakland, Cornplanter, Cherry Tree, Troy, Wayne, Greenwood, and Sandy Creek Townships, **Venango, Crawford and Mercer Counties**. This blasting activity permit will expire on August 1, 2013. Permit Issued: October 17, 2012.

20124002. Hal Lilley (8323 Oxbow Road, Northeast, PA 16248) Blasting activity permit for silo demolition in Cambridge Springs Borough, **Crawford County**. This blasting activity permit will expire on May 2, 2013. Permit Issued: October 18, 2012.

61124002. Tidelands Geophysical Company, Inc. (101 East Park Boulevard, Suite 955, Plano, TX 75075) Blasting activity permit for seismic exploration in French Creek, Sandy Creek, Pymatuning, and West Salem Townships, **Venango and Mercer Counties**. This blasting activity permit will expire on April 14, 2013. Permit Issued: October 18, 2012.

24124006. Tamburlin Brothers Coal Co., Inc. (P. O. Box 1419, Clearfield, PA 16830) Blasting activity permit for activities associated with a Government Financed Construction Contract in Jay Township, **Elk County**. This blasting activity permit will expire on September 30, 2013. Permit Issued: October 18, 2012.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

59124111. Maine Drilling and Blasting, Inc. (P. O. Box 1140, Gardiner, ME 04345-1140). Blasting for tank pad and wastewater tank located in Sullivan Township, **Tioga County**. Permit issued: October 11, 2012. Permit expires: October 10, 2013.

08124146. Brubacher Excavating Inc. (P. O. Box 428, Bowmansville, PA 17507-0528). Blasting for residential development located in Towanda Township, **Bradford County**. Permit issued: October 11, 2012. Permit expires: October 1, 2013.

08124147. Doug Wathen LLC (11934 Fairway Lakes Dr, Suite 1, Fort Myers, FL 33913). Blasting for gas pad construction located in Asylum Township, **Bradford County**. Permit issued: October 11, 2012. Permit expires: October 10, 2013.

08124148. Midstream Explosives LLC (289 Southside Dr., Newville, PA 17241-8951). Blasting for pipeline located in Franklin Township, **Bradford County**. Permit issued: October 11, 2012. Permit expires: October 10, 2013.

08124149. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013-0608). Blasting for well pad located in Canton Township/**Bradford County**. Permit issued: October 15, 2012 Permit expires: October 12, 2013.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

09124106. Rock Work, Inc., (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Warrington Glen in Warrington Township, **Bucks County** with an expiration date of September 30, 2013. Permit issued: October 16, 2012.

22124106. Maine Drilling & Blasting, Inc., (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Laurel Ridge in Lower Paxton Township, **Dauphin County** with an expiration date of October 10, 2013. Permit issued: October 17, 2012.

58124191. Meshoppen Blasting, Inc., (P. O. Box 127, Meshoppen, PA 18630), construction blasting for Southwest 11 Pad and access road in New Milford Township, **Susquehanna County** with an expiration date of February 15, 2013. Permit issued: October 18, 2012.

58124019. John Brainard, (3978 State Route 2073, Kingsley, PA 18826), construction blasting for the Barber Road Expansion in Lenox Township, **Susquehanna County** with an expiration date of November 30, 2012. Permit issued: October 19, 2012.

09124105. J Roy's, Inc., (P. O. Box 125, Bowmansville, PA 17507), construction blasting for Thompson Toyota in Doylestown Township, **Bucks County** with an expiration date of October 16, 2013. Permit issued: October 19, 2012.

09124107. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Thompson Toyota in Doylestown Township, **Bucks County** with an expiration date of October 16, 2013. Permit issued: October 19, 2012.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1–693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.

E21-426: Shippensburg Public Library, 73 West King Street, Shippensburg, Pennsylvania 17257, in Shippensburg Borough, **Cumberland County**, ACOE Baltimore District

To remove an existing 191.0-foot by 50.0-foot building and construct and maintain:

1) a 110.0-foot by 66.0-foot building addition onto the existing library facility; 2) a 23,846.0-square foot parking area, driveway, and sidewalks, resulting in a removed volume of 4,980.0 cubic feet of material; 3) a 759.0-square foot West Martin Avenue Extension resulting in a fill volume of 1,128.0 cubic yards; 4) an 8.0-foot wide, single span steel truss pedestrian bridge having a normal span of 55.0 feet and an underclearance of 6.9 feet; 5) a 15.0-inch diameter HDPE stormwater pipe outfall; 6) 232.0-foot long, 8.0-inch PVC sanitary sewer line; 7) 81.0-foot long, 3.0-inch and 6.0-inch water line; 8) 48.0-foot long, 2.0-inch gas line; 9) 105.0-foot long, 2.0-inch electrical conduit; 10) 107.0-foot long, 2.0-inch cable conduit; 11) 106.0-foot long, 2.0-inch telephone conduit; and 12) 246.0-foot long, 4.0-inch PVC retaining wall drain pipe, all in the floodway of Middle Spring Creek (HQ-CWF). The project is located at 73 West King Street in the Borough of Shippensburg, Cumberland County (Shippensburg, PA Quadrangle; N: 9.03 inches, W: 3.27 inches; Latitude: 40°2'59", Longitude: -77°1'24"). The purpose of the project is to renovate and expand the public library.

E36-898: Borough of Millersville, 100 Municipal Drive, Millersville, Pennsylvania 17551, in Millersville Borough, **Lancaster County**, ACOE Baltimore District

To remove existing obstructions and to construct and maintain: 1) a 9.0-foot by 13.0-foot, 15.5-foot deep wet well, 2) a valve vault, 3) a 10.0-foot by 12.0-foot addition to the existing generator building, and 4) paving, 8.0-foot wide walking path, and the relocation of existing utility pole in the floodway and floodplain of Conestoga River (WWF, MF) and in the floodway and floodplain of an unnamed tributary to Conestoga River (WWF, MF). The project is located at the existing Creek Drive Pump Station (Conestoga, PA Quadrangle; N: 22.04 inches, W: 13.38 inches; Latitude: 39°9'47", Longitude: -76°0'44") in the Borough of Millersville, Lancaster County. The purpose of the project is to "flood-proof" the existing pump station and resolve capacity and deteriorating condition issues.

E36-902: Members 1st Credit Union, Po Box 40, 5000 Louise Drive, Mechanicsburg, Pennsylvania 17055-4899, in Elizabethtown Borough and Mount Joy Township, **Lancaster County**, ACOE Baltimore District

To place and maintain fill in 0.02 acre of Palustrine Emergent wetlands for the purpose of constructing a proposed credit union branch facility. The project is located approximately 500.0 feet southeast of the intersection of Ridge View Avenue and South Market Street (Latitude: 40°08'24.1"N; Longitude: -76°35'18.70"W) in Elizabethtown Borough and Mount Joy Township, Lancaster County. The amount of wetland impact is considered a de minimus impact of 0.02 acre and wetland mitigation is not required.

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E08-481. Smithfield Township, PO Box 27, East Smithfield, PA 18817-0027. Hoblet Road (T-623) Bridge Over Tomjack Creek Project, Smithfield Township, **Bradford County**, ACOE Baltimore District (Ulster, PA Quadrangle Latitude: 41° 50' 39.9"; Longitude: 76° 37' 26.0").

This permit gives consent to remove an existing single bridge and construct, operate and maintain a public road crossing with a single cell box culvert to Hoblet Road over Tomjack Creek. The public road crossing shall be constructed with a precast concrete box culvert having a minimum span of 20-feet, rise of 8.5-feet and maximum total length of 75-feet. In-stream construction activities shall be performed in dry work conditions by diverting, dam and pumping or fluming stream flow around construction activities. The project poses 0.01-acre of permanent wetland impact, which the Department has deemed de minimus and mitigation shall not be required. The project is located along the western right-of-way of Burlington Road approximately 605-feet west of Hoblet Road and Burlington Road intersection.

E18-470. Clinton County Solid Waste Authority, Wayne Township Landfill, 264 Landfill Lane, PO Box 209, McElhattan, PA 17748, Wayne Township, **Clinton County**, ACOE Baltimore District. (Jersey Shore, PA Quadrangle (41°9'38.16"N; -77°1'33.48"W)

To construct and maintain: 1) clean fill in 65 square feet, 3,162 square feet, and 616 square feet of palustrine emergent wetland (PEM) wetlands; 2) a 55 foot long, pre-constructed concrete box culvert having a 12-foot by 5-foot effective opening after depressing the culvert invert 1 foot into the streambed, wing walls and associated R-7 riprap aprons impacting 594 square feet of an unnamed tributary to West Branch Susquehanna River; 3) clean fill in the left 100-year floodplain for a 1,100 foot reach of the stream for the western approach of the culvert. The project will result in 80 linear feet of permanent stream impacts and a total of 3,843 square feet (0.088 acre) of permanent wetland impacts, all for the purpose of installing a new permanent access to the Wayne Township Landfill facilities. The permit applicant will make a \$1,000 contribution to the Pennsylvania Wetland Replacement Fund to mitigate the 0.088 acre of wetland filling.

Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E63-643. Montour Trail Council; 304 Hickman St., Suite #3, Bridgeville, PA 15017; Peters Township, **Washington County**; ACOE Pittsburgh District.

Applicant has been given consent to construct, operate, and maintain a pedestrian bridge having a span of 89.9 ft. and an underclearance of 8 ft. 11 inches over Brush Run (WWF). The project is located along Valley Brook Road near the intersection with SR 19 (Bridgeville, PA

Quadrangle; N: 8 inches, W: 15 inches; Latitude: 40°17' 32.77"; Longitude: 80°06' 24.51") in Peters Township, Washington County.

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335.

E42-355, Bradford Area Water Authority. Bradford Dam No. 2 Rehabilitation and Access Road, in Bradford and Foster Townships, **McKean County**, ACOE Pittsburgh District

Construct and maintain an approximately 4.14 mile long by 20-foot wide access road associated with the rehabilitation of Bradford City Water Authority's Bradford Dam No. 2 north of S.R. 346 approximately 6 miles west of the City of Bradford in Bradford & Foster Townships, McKean County and to include culvert crossings and grading resulting in temporary impacts to 0.01 acre of wetland (PEM) at the base of the existing dam, 71 feet of a tributary to Marilla Brook, a total of 4,199 feet of impact to Gilbert Run and 37 tributaries to Gilbert Run, and permanent impacts to a total of 935 feet of 26 tributaries to Gilbert Run and a total of 0.89 acre of 14 wetland areas (0.88 acre PEM and 0.006 acre PFO), 12 of which are considered Exceptional Value (EV). All permanently impacted tributaries are streams having a contributory drainage area of less than 100 acres. Project includes creation of 0.98 acre of on-site replacement wetlands and a \$15,000 contribution to the PA Wetland Replacement Fund. (Bradford, PA Quadrangle N: 41° 57', 40.8"; W: 78° 43', 21.1")

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued. Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, Pa 17701

ESCP # ESCGP-15912801

Applicant Name Dominion Transmission

Contact Person

Address 445 W Main St

City, State, Zip Clarksburg, WV 26301-2843

County Tioga

Township(s) Westfield & Clymer Townships

Receiving Stream(s) and Classification(s) UNT to Elk Lick Run/TSF; Mill Creek/TSF; UNT to Mill Creek/TSF; Jemison Creek/WWF

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701

ESCGP-1 # ESX12-115-0169

Applicant Name Southwestern Energy Production Company

Contact Person Dave Sweeley

Address 917 State Route 92 North

City, State, Zip Tunkhannock, PA 18657

County Susquehanna County

Township(s) Oakland Township

Receiving Stream(s) and Classification(s) Susquehanna River (WWF/MF), UNT Susquehanna River (CWF/MF), Bedbug Brook (CWF/MF);

Secondary: Susquehanna River (WWF/MF)

ESCGP-1 # ESX12-081-0125 (01)

Applicant Name EXCO Resources (PA) LLC

Contact Person Brian Rushe

Address 3000 Ericsson Drive, Suite 200

City, State, Zip Warrendale, PA 15086

County Lycoming County

Township(s) Penn Township

Receiving Stream(s) and Classification(s) Big Run, UNT to Sugar Run, Derr Run;

Secondary: Little Muncy Creek & Muncy Creek (Other)

ESCGP-1 # ESX12-015-0184

Applicant Name Angelina Gathering Company, LLC

Contact Person Danny Spaulding

Address 2350 N. Sam Houston Blvd., Suite 125

City, State, Zip Houston, TX 77032

County Bradford County

Township(s) Stevens Township

Receiving Stream(s) and Classification(s) Wyalusing Creek, UNT to Wyalusing Creek, Bennett Creek (WWF/MF)

ESCGP-1 # ESX12-117-0056

Applicant Name SWEPI LP

Contact Person H. James Sewell

Address 190 Thorn Hill Road

City, State, Zip Warrendale, PA 15086

County Tioga County

Township(s) Lawrence Township

Receiving Stream(s) and Classification(s) UNT to Harts Creek, Mutton Lane Creek (WWF/MF)

ESCGP-1 # ESX12-117-0083

Applicant Name Tenaska Resources, Inc.

Contact Person Ronald McGlade

Address 375 Southpointe Blvd., Ste 350

City, State, Zip Canonsburg, PA 15317

County Tioga County

Township(s) Brookfield Township

Receiving Stream(s) and Classification(s) South Brook (CWF);

Secondary: North Brook (CWF)

ESCGP-1 # ESX12-131-0017 (01)

Applicant Name PVR Marcellus Gas Gathering, LLC

Contact Person Jeffrey Searfoss

Address 100 Penn Tower, 25 West Third Street

City, State, Zip Williamsport, PA 17701

County Wyoming County

Township(s) Washington and Tunkhannock Townships

Receiving Stream(s) and Classification(s) Taques Creek, UNT to Taques Creek and UNT to the Susquehanna River;

Secondary: Susquehanna River (Other)

ESCGP-1 # ESX12-115-0174

Applicant Name Susquehanna Gathering Company 1, LLC

Contact Person John Miller

Address PO Box 839, Oliver Road 1299

City, State, Zip New Milford, PA 18834

County Susquehanna County

Township(s) New Milford Township

Receiving Stream(s) and Classification(s) UNT to Butler Creek, Butler Creek Watershed (Other)

ESCGP-1 # ESX12-115-0176

Applicant Name Susquehanna Gathering Company 1, LLC

Contact Person John Miller

Address PO Box 839, Oliver Road 1299

City, State, Zip New Milford, PA 18834

County Susquehanna County

Township(s) New Milford Township

Receiving Stream(s) and Classification(s) Smith Creek Watershed—HQ/CWF, East Lake Creek Watershed—CWF

ESCGP-1 # Esx12-035-0019

Applicant Name Anadarko E&P Company LP

Contact Person Nathan S. Bennett

Address 33 West Third Street, Suite 200

City, State, Zip Williamsport, PA 17701

County Clinton County

Township(s) Beech Creek Township

Receiving Stream(s) and Classification(s) East Branch

Big Run (CWF/MF), Big Run (CWF/MF);

Secondary: Big Run (CWF/MF), Beech Creek (CWF/MF)

ESCGP-1 # ESX12-081-0137

Applicant Name PVR Marcellus Gas Gathering, LLC

Contact Person Kevin Roberts

Address 25 West Third Street, Suites 201-202

City, State, Zip Williamsport, PA 17701

County Lycoming County

Township(s) Upper Fairfield Township

Receiving Stream(s) and Classification(s) UNT to

Loyalsock Creek (EV)

Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745.

<i>ESCGP-1 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
30128002	Dominion Transmission, Inc. 501 Martindale Street Suite 400 Pittsburgh, PA 15212	Armstrong	South Bend Township	UNT to Crooked Creek (WWF), Crooked Creek (WWF)

Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

<i>ESCGP-1 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
4312801	Tennessee Gas Pipeline Company LLC 1001 Louisiana Ave Houston TX 77002	Mercer	Jefferson Township	UNT Shenango River WWF

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335

ESCGP-1 ESX12-085-0013—Lackawannock—James Well Pad & Impoundment

Applicant Hilcorp Energy

Contact Stephanie McMurray

Address 1201 Louisiana Street, Suite 1400

City Houston State TX Zip Code 77002

County Mercer Township(s) Lackawannock(s)

Receiving Stream(s) and Classification(s) UNT to Little Neshannock Creek—Trout Stocked Fishery (TSF)

ESCGP-1 #ESX12-085-0012—Harrah Pad

Applicant SWEPI LP

Contact Mr. H. James Sewell

Address 190 Thorn Hill Road

City Warrendale State PA Zip Code 15086

County Mercer Township(s) Mill Creek(s)

Receiving Stream(s) and Classification(s) Mill Creek—CWF, French Creek

ESCGP-1 #ESX12-085-0014—Palmer Pad

Applicant SWEPI LP

Contact Mr. H. James Sewell

Address 190 Thorn Hill Road

City Warrendale State PA Zip Code 15086

County Mercer Township(s) Fairview(s)

Receiving Stream(s) and Classification(s) UNTs to Otter Creek—TSF, Otter Creek

Southwest Region: Oil & Gas Program Mgr. 400 Waterfront Dr. Pittsburgh PA

9/25/12

ESCGP-1 No: ESX11-051-0028 MAJOR REVISION

Applicant Name: CHEVRON APPALACHIA LLC

Contact Person MR JEREMY HIRTZ

Address: 600 CORPORATE DRIVE

City: MOON TOWNSHIP State: PA Zip Code: 15108

County: FAYETTE Township: REDSTONE, MENALLEN

Receiving Stream (s) And Classifications: UNT TO DUNLAP CREEK (WWF) / MIDDLE MONONGAHELA RIVER WATERSHED; OTHER

8/29/12

ESCGP-1 No.: ESX12-059-0005 MAJOR REVISION

Applicant Name: RICE DRILLING B LLC

Contact Person: MR DAVID Z MILLER

Address: 171 HILLPOINTE DRIVE SUITE 301

City: CANONSBURG State: PA Zip Code: 15317

County: GREENE Township(s): GRAY

Receiving Stream(s) and Classifications: GRINNAGE RUN / GRAYS FORK; HQ

6/18/12

ESCGP-1 No.: ESX12-129-0016

Applicant Name: CNX GAS COMPANY LLC

Contact Person: MR DANIEL BITZ

Address: 280 INDIAN SPRINGS ROAD SUITE 333

City: INDIANA State: PA Zip Code: 15701

County: WESTMORELAND Township(s): WASHINGTON

Receiving Stream(s) and Classifications: UNT TO BEAVER RUN / BEAVER RUN; OTHER

10/2/12

ESCGP-1 No.: ESX12-125-0114

Applicant Name: RANGE RESOURCES APPALACHIA LLC

Contact Person: MS LAURA M RUSMISEL

Address: 3000 TOWN CENTER BOULEVARD

City: CANONSBURG State: PA Zip Code: 15317

County: WASHINGTON Township(s): ROBINSON

Receiving Stream(s) and Classifications: UNT TO LITTLE RACCOON RUN (WWF) / RACCOON CREEK WATERSHED; OTHER

8/16/12

ESCGP-1 No.: ESX12-003-0001 MAJOR REVISION

Applicant Name: RANGE RESOURCES APPALACHIA LLC

Contact Person: MR GLENN D TRUZZI

Address: 3000 TOWN CENTER BOULEVARD

City: CANONSBURG State: PA Zip Code: 15317

COUNTY ALLEGHENY Township(s): FRAZER

Receiving Stream(s) and Classifications: UNT TO BULL CREEK AND UNT TO DAYS RUN / LOWER ALLEGHENY RIVER WATERSHED (TSF / WWF); OTHER

8/13/12

ESCGP-1 No.: ESX12-125-0097

Applicant Name: RICE DRILLING B LLC

Contact Person: MR DAVID S MILLER

Address: 171 HILLPOINTE DRIVE SUITE 301

City: CANONSBURG State: PA Zip Code: 15317

County: WASHINGTON Township(s): NORTH BETHLEHEM

Receiving Stream(s) and Classifications: UNTs TO DANIELS RUN; OTHER TSF

8/13/12

ESCGP-1 No.: ESX12-125-0018 MAJOR REVISION

Applicant Name: LAUREL MOUNTAIN MIDSTREAM LLC

Contact Person: MR FRANK CANNETO

Address: 1605 CORAOPOLIS HEIGHTS ROAD

City: MOON TOWNSHIP State: PA Zip Code 15108

County: WASHINGTON Township(s): DEEMSTON BORO & WEST BETHLEHEM TOWNSHIP

Receiving Stream(s) and Classifications: SEE APPENDIX A—RECEIVING WATERS

9/24/12

ESCGP-1 No.: ESX12-125-0108

Applicant Name: RANGE RESOURCES APPALACHIA LLC

Contact Person: MR GLENN D TRUZZI

Address: 3000 TOWN CENTER BOULEVARD

City: CANONSBURG State: PA Zip Code: 15317

County: WASHINGTON Township(s): JEFFERSON

Receiving Stream(s) and Classifications: UNT TO CROSS CREEK (WWF) / RACCOON CREEK WATERSHED; HQ

7/23/12

ESCGP-1 No.: ESX11-125-0055 MAJOR REVISION

Applicant Name: CNX GAS COMPANY LLC

Contact Person: MR DANIEL BITZ

Address: 200 EVERGREEN DRIVE

City: WAYNESBURG State: PA Zip Code: 15370

County: WASHINGTON Township(s): SOUTH FRANKLIN

Receiving Stream(s) and Classifications: UNT TO CHARTIERS CREEK (WWF) & UNT TO TENMILE CREEK / TENMILE CREEK (TSF); OTHER

OIL AND GAS MANAGEMENT

The following Well Permits have been issued with a waiver under 58 Pa.C.S. § 3215(b)(4) (relating to well location restrictions).

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed which the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not in and of itself create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483.

Northwest Region District Oil and Gas Operations, Program Manager, 230 Chestnut St., Meadville, PA 16335

Well Permit #: 015-22298-00-00

Well Farm Name Brackman Bra 5H

Applicant Name: Chesapeake Appalachia, LLC.

Contact Person: Mr. Haskins

Address: 101 North Main Street, Athens, PA 18810

County: Bradford

Municipality Leroy Township:

Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Leroy, Tributary to the Mehoopany Creek.

Southwest District: District Oil and Gas Operations, Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222

Well Permit #: 007-20361-00

Well Farm Name: Kirkwood BEA 8H

Applicant Name: Chesapeake Appalachia, LLC

Contact Person: Eric Haskins

Address: 101 North Main Street, Athens, PA 18810

County: Beaver

Municipality Name/City, Borough, Township: South Beaver Twp

Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: North Fork Little Beaver Creek

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, PO Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
12-08-003	Pat's Offroad P. O. Box 1993 Williston, ND 58802-1993 Attn: Clint Hudkins	Bradford	Springfield Township	2 ASTs storing used motor oil	84,000 gallons total

SPECIAL NOTICES

Total Maximum Daily Loads (TMDLs) Developed for the Christina River Basin Low-Flow for point sources

On August 29, 2012, the United States Environmental Protection Agency ("EPA") provided written notification of EPA's acceptance of the Department of Environmental Protection's ("Department") proposed alternative reduction scenario for EPA's Christina River Basin Low-Flow TMDL in Chester County, PA ("TMDL"). EPA's 2006 Addendum to the TMDL ("Addendum") states that the Addendum provides one scenario of load reductions that, together with other sources' reductions, result in achieving water quality standards throughout the length of the impaired waterbody. The Addendum contemplates the development of, and is sufficiently flexible to allow for, an alternative reduction scenario that also demonstrates that water quality standards are met throughout the length of the impaired waterbody, without the need for a formal TMDL revision, given the dynamic nature of NPDES permits in TMDL waters. The alternative reduction scenario, as approved by EPA, is detailed below. The aggregate sum of the wasteload allocations is unchanged and there are no changes to the total loading by basin or subwatershed segment. As contemplated by the Addendum, notice of this alternative reduction scenario is being provided concurrent with notice of draft Permit PA0026531, which proposes wasteload allocations as set forth herein.

TMDL Summary for Buck Run

<i>NPDES</i>	<i>Facility Name</i>	<i>Flow mg/l</i>	<i>CBOD₅ mg/l</i>	<i>NH₃-N mg/l</i>	<i>TN mg/l</i>	<i>TP mg/l</i>	<i>DO mg/l</i>
PA0057231	Eric Barton SRSTP	0.0005	25	30	40.0	10.0	6.0
Total WLA							

<i>NPDES</i>	<i>Facility Name</i>	<i>Flow mg/l</i>	<i>CBOD₅ lb/day</i>	<i>NH₃-N lb/day</i>	<i>TN lb/day</i>	<i>TP lb/day</i>	<i>DO lb/day</i>
PA0057231	Eric Barton SRSTP	0.0005	0.104	0.125	0.167	0.042	0.025
Total WLA							

TMDL Summary for Brandywine Creek West Branch

<i>NPDES</i>	<i>Facility Name</i>	<i>Flow mg/l</i>	<i>CBOD₅ mg/l</i>	<i>NH₃-N mg/l</i>	<i>TN mg/l</i>	<i>TP mg/l</i>	<i>DO mg/l</i>
PA0056561	Romansville Shop	0	15	1.5	3.63	2.0	5.0
PA0029912	Embreeville STP	0.1	25	20	30	2.0	3.0
PA0053996	Michael Redmond	0.0005	25	30	40	10	6.0
PA0053228	McCormic SRSTP	0.0005	25	30	40	10	6.0
PA0053236	DiGregorio SRSTP	0.0005	25	30	40	10	6.0
PA0036897	South Coatesville STP	0.381	25.6	7.17	25	2.05	2.05
PA0026859	Coatesville STP	7.000	6.1	1.1	15	0.81	2.75
PA0011568-001	ArcelorMittal Plate	0.576	5.5	0.55	10	0.33	5.5
PA0011568-016	ArcelorMittal Plate	0.397	6.4	0.64	10	0.38	6.4
PA0053821	Chester Airport	0	15	1.5	3.63	2.0	5.0
PA0056073	Vreekand SRSTP	0.0005	25	30	40	10	6.0
PA0012416	Rock Run WFP	0.140	10	0.10	10	0.10	5.0
PA0052990	Mitchell SRSTP	0.0005	25	30	40	10	6.0
PA0052728	Turkey Hill Market	0.0004	25	10	50	10	6.0

<i>NPDES</i>	<i>Facility Name</i>	<i>Flow mg/l</i>	<i>CBOD₅ mg/l</i>	<i>NH₃-N mg/l</i>	<i>TN mg/l</i>	<i>TP mg/l</i>	<i>DO mg/l</i>
PA0055697	Spring Run Estates	0.049	25	1.5	20	2.0	3.0
PA0036412	Tel Hai Retirement	0.055	10	2.9	30	1.9	5.0
PA0044776	NW Chester County	0.60	13.5	2.7	28.8	1.8	6.0
PA0057339	Davidson SRSTP	0.0005	25	30	40	10	6.0
<i>NPDES</i>	<i>Facility Name</i>	<i>Flow mg/l</i>	<i>CBOD₅ lb/day</i>	<i>NH₃-N lb/day</i>	<i>TN lb/day</i>	<i>TP lb/day</i>	<i>DO lb/day</i>
PA0056561	Romansville Shop	0	0	0	0	0	0
PA0029912	Embreeville STP	0.1	20.864	16.691	25.020	1.669	2.504
PA0053996	Michael Redmond	0.0005	0.104	0.125	0.167	0.042	0.025
PA0053228	McCormic SRSTP	0.0005	0.104	0.125	0.167	0.042	0.025
PA0053236	DiGregorio SRSTP	0.0005	0.104	0.125	0.167	0.042	0.025
PA0036897	South Coatesville STP	0.381	81.368	22.783	79.438	6.509	6.509
PA0026859	Coatesville STP	7.000	355.677	64.260	875.700	47.552	160.649
PA0011568-001	ArcelorMittal Plate	0.576	26.705	2.671	48.038	1.602	26.705
PA0011568-016	ArcelorMittal Plate	0.397	21.051	2.105	33.110	1.263	21.051
PA0053821	Chester Airport	0	0	0	0	0	0
PA0056073	Vreekand SRSTP	0.0005	0.104	0.125	0.167	0.042	0.025
PA0012416	Rock Run WFP	0.140	11.684	0.117	11.676	0.117	5.842
PA0052990	Mitchell SRSTP	0.0005	0.104	0.125	0.167	0.042	0.025
PA0052728	Turkey Hill Market	0.0004	0.083	0.033	0.167	0.033	0.020
PA0055697	Spring Run Estates	0.049	10.223	0.613	8.173	0.818	1.227
PA0036412	Tel Hai Retirement	0.055	4.59	1.331	13.761	0.872	2.295
PA0044776	NW Chester County	0.60	67.598	13.520	144.120	9.013	30.043
PA0057339	Davidson SRSTP	0.0005	0.104	0.125	0.167	0.042	0.025
<i>Total WLA</i>			600.468	124.874	1,240.215	69.700	256.996

TMDL Summary for Brandywine Creek East Branch

<i>NPDES</i>	<i>Facility Name</i>	<i>Flow mg/l</i>	<i>CBOD₅ mg/l</i>	<i>NH₃-N mg/l</i>	<i>TN mg/l</i>	<i>TP mg/l</i>	<i>DO mg/l</i>
PA0056171	Novak SRSTP	0.0005	25	30	40	10	6
PA0026018	West Chester Taylor Run STP	1.5	25	2.5	30	2	5
PA0057282	Pope SRSTP	0.0005	25	30	40	10	6
PA0051365	Ingrams Mill WFP	0.233	3.2	0.16	0	0.16	8
PA0053937	Kratz SRSTP	0.0005	25	30	40	10	6
PA0056618	Laurento SRSTP	0.0005	25	30	40	10	6
PA0053561	Johnson Matthey GW	0.036	2.0	0.04	0	0.11	5
PA0043982	Broad Run STP	0.400	21.75	2.00	40	1.74	2.0
PA0026531	Downingtown Area Reg. Auth. STP	7.5	10	2	30	2	6
PA0030228	Keats Glen STP	0.0181	8.7	1.2	25	3.7	6.2
PA0051918	Pepperidge Farm NCCW	0.036	8	0.4	0	0.4	6
PA0055531	Khalife SRSTP	0.0007	25	10	24.2	10	6
PA0054917	Uwchlan Eagleview STP	0.475	5.89	0.78	50	0.78	6
PA0036374	Eaglepointe Dev. Association	0.015	10	0.50	50	0.50	5
PA0052949	Milford Well Station WFP	0.003	30	0.50	4.65	0.30	5.0
PA0057274	Hughes SRSTP	0.0005	25	30	40	10	6.0
PA0050458	Culbertson Run STP	0.053	6.6	2.0	15	0.66	4.0
PA0057827	McKenna SRSTP	0.0005	25	30	40	10	6.0
PA0050547	Indian Run Village MHP	0.0375	10	3	30	1.0	5.0

<i>NPDES</i>	<i>Facility Name</i>	<i>Flow mg/l</i>	<i>CBOD₅ mg/l</i>	<i>NH₃-N mg/l</i>	<i>TN mg/l</i>	<i>TP mg/l</i>	<i>DO mg/l</i>
PA0055492	Woods SRSTP	0.0005	25	30	40	10	6.0
PA0054691	Fisher SRSTP	0.0005	25	30	40	10	6.0
PA0058378	St. Andrew Brae STP	0.0036	10	1.5	30	1.0	6.0
PA0244333	Overlook Road Farm STP	0.138	25	3.0	15	2.0	3.0
—	Brandywine Creek Campground	0.0063	10	1.5	30	2.0	5.0
<i>NPDES</i>	<i>Facility Name</i>	<i>Flow mg/l</i>	<i>CBOD₅ lb/day</i>	<i>NH₃-N lb/day</i>	<i>TN lb/day</i>	<i>TP lb/day</i>	<i>DO lb/day</i>
PA0056171	Novak SRSTP	0.0005	0.104	0.125	0.167	0.042	0.025
PA0026018	West Chester Taylor Run STP	1.5	311.426	31.295	375.300	25.036	62.591
PA0057282	Pope SRSTP	0.0005	0.104	0.125	0.167	0.042	0.025
PA0051365	Ingrams Mill WFP	0.233	6.159	0.308	0	0.308	15.397
PA0053937	Kratz SRSTP	0.0005	0.104	0.125	0.167	0.042	0.025
PA0056618	Laurento SRSTP	0.0005	0.104	0.125	0.167	0.042	0.025
PA0053561	Johnson Matthey GW	0.036	0.601	0.012	0	0.033	1.502
PA0043982	Broad Run STP	0.400	72.605	6.676	133.44	5.808	6.676
PA0026531	Downingtown Area Reg. Auth. STP	7.5	625.5	125.100	1,876.50	125.100	375.543
PA0030228	Keats Glen STP	0.0181	1.314	0.188	3.773	0.563	0.939
PA0051918	Pepperidge Farm NCCW	0.036	2.403	0.120	0	0.120	1.800
PA0055531	Khalife SRSTP	0.0007	0.146	0.058	0.141	0.058	0.035
PA0054917	Uwchlan Eagleview STP	0.475	23.348	3.092	1,98.075	3.092	23.784
PA0036374	Eaglepointe Dev. Association	0.015	1.252	0.063	6.255	0.063	0.626
PA0052949	Milford Well Station WFP	0.003	0.751	0.013	0.116	0.007	0.125
PA0057274	Hughes SRSTP	0.0005	0.104	0.125	0.167	0.042	0.025
PA0050458	Culbertson Run STP	0.053	2.929	0.879	6.630	0.293	1.758
PA0057827	McKenna SRSTP	0.0005	0.104	0.125	0.167	0.042	0.025
PA0050547	Indian Run Village MHP	0.0375	3.130	0.939	9.382	0.313	1.565
PA0055492	Woods SRSTP	0.0005	0.104	0.125	0.167	0.042	0.025
PA0054691	Fisher SRSTP	0.0005	0.104	0.125	0.167	0.042	0.025
PA0058378	St. Andrew Brae STP	0.0036	0.300	0.050	0.900	0.050	0.180
PA0244333	Overlook Road Farm STP	0.138	29	3.5	17.000	2.3	3.453
—	Brandywine Creek Campground	0.0063	0.525	0.079	1.576	0.105	0.263
	<i>Total WLA</i>		1,082.221	173.372	2,630.424	163.585	496.437

TMDL Summary for Brandywine Creek Main Stem

<i>NPDES</i>	<i>Facility Name</i>	<i>Flow mg/l</i>	<i>CBOD₅ mg/l</i>	<i>NH₃-N mg/l</i>	<i>TN mg/l</i>	<i>TP mg/l</i>	<i>DO mg/l</i>
DE0050962	AMTRAK	0	15	1.5	3.63	2.0	5.0
DE0021768	Winterthur Museum	0.0250	15	1.5	10	2	5
PA0053082	Mendenhall Inn STP	0.0206	10	3	10	2	5
PA0052663	Knights Bridge STP	0.09	10	1.0	10	2	5
PA0055476	Riding of Chadds Ford STP	0.08	10	3	30	2	3
PA0244031	Turner's Mill STP	0.14	10	1.5	40	1.0	6.0
PA0055484	Keating SRSTP	0.0005	25	30	40	10	6
PA0030848	Chaddsford Elementary STP	0.0063	25	30	50	10	3.0
PA0056120	Mims SRSTP	0.0005	25	30	40	10	6
PA0031097	Radley Run STP	0.017	25	20	50	2	5
PA0053449	Birmingham Township STP	0.15	15	1.5	40	2	5
PA0057011	Bridlewood Farm STP	0.103	18.8	2.6	25	1.5	4

<i>NPDES</i>	<i>Facility Name</i>	<i>Flow mg/l</i>	<i>CBOD₅ mg/l</i>	<i>NH₃-N mg/l</i>	<i>TN mg/l</i>	<i>TP mg/l</i>	<i>DO mg/l</i>
PA0036200	Radley Run Mews STP	0.032	25	20	30	2	3
PA0051497	Lenape Forge NCCW	0.030	2	0.1	0.240	0.1	5
<i>NPDES</i>	<i>Facility Name</i>	<i>Flow mg/l</i>	<i>CBOD₅ lb/day</i>	<i>NH₃-N lb/day</i>	<i>TN lb/day</i>	<i>TP lb/day</i>	<i>DO lb/day</i>
DE0050962	AMTRAK	0	0	0	0	0	0
DE0021768	Winterthur Museum	0.0250	3.130	0.313	2.086	0.417	1.043
PA0053082	Mendenhall Inn STP	0.0206	1.719	0.516	3.436	0.344	0.860
PA0052663	Knights Bridge STP	0.09	7.511	0.751	15.012	1.502	3.755
PA0055476	Riding of Chadds Ford STP	0.08	6.7	2.0	20.016	1.3	2.000
PA0244031	Turner's Mill STP	0.14	12.000	1.800	46.704	1.2	7.006
PA0055484	Keating SRSTP	0.0005	0.104	0.125	0.167	0.042	0.025
PA0030848	Chaddsford Elementary STP	0.0063	1.314	1.576	2.627	0.525	0.157
PA0056120	Mims SRSTP	0.0005	0.104	0.125	0.167	0.042	0.025
PA0031097	Radley Run STP	0.017	3.547	2.837	7.089	0.284	0.709
PA0053449	Birmingham Township STP	0.15	18.777	1.878	50.040	2.504	6.259
PA0057011	Bridlewood Farm STP	0.103	16.127	2.258	21.475	1.290	3.225
PA0036200	Radley Run Mews STP	0.032	6.676	5.341	8.006	0.534	0.801
PA0051497	Lenape Forge NCCW	0.030	0.501	0.025	0.060	0.025	1.252
	<i>Total WLA</i>		78.210	19.545	176.885	10.009	27.117

TMDL Summary for Burroughs Run

<i>NPDES</i>	<i>Facility Name</i>	<i>Flow mg/l</i>	<i>CBOD₅ mg/l</i>	<i>NH₃-N mg/l</i>	<i>TN mg/l</i>	<i>TP mg/l</i>	<i>DO mg/l</i>
PA0055425	Dambrio SRSTP	0.0005	25	30	40	10	6.0
<i>NPDES</i>	<i>Facility Name</i>	<i>Flow mg/l</i>	<i>CBOD₅ lb/day</i>	<i>NH₃-N lb/day</i>	<i>TN lb/day</i>	<i>TP lb/day</i>	<i>DO lb/day</i>
PA0055425	Dambrio SRSTP	0.0005	0.104	0.125	0.167	0.042	0.025
	<i>Total WLA</i>		0.104	0.125	0.167	0.042	0.025

TMDL Summary for Red Clay Creek West Branch

<i>NPDES</i>	<i>Facility Name</i>	<i>Flow mg/l</i>	<i>CBOD₅ mg/l</i>	<i>NH₃-N mg/l</i>	<i>TN mg/l</i>	<i>TP mg/l</i>	<i>DO mg/l</i>
PA0053554	Scotts Company Potting Soil	0	15	1.5	3.63	2.0	5.0
PA0024058	Kennett Square STP	1.1	16.50	1.98	10.06	1.28	6.0
PA0057720-001	Sunny Dell Foods	0.072	9.50	1.90	10.0	1.90	5.0
PA0057720-002	Sunny Dell Foods	0.090	2.00	0.10	0.91	0.10	5.0
<i>NPDES</i>	<i>Facility Name</i>	<i>Flow mg/l</i>	<i>CBOD₅ lb/day</i>	<i>NH₃-N lb/day</i>	<i>TN lb/day</i>	<i>TP lb/day</i>	<i>DO lb/day</i>
PA0053554	Scotts Company Potting Soil	0	0	0	0	0	0
PA0024058	Kennett Square STP	1.1	151.469	18.176	91.799	11.750	55.080
PA0057720-001	Sunny Dell Foods	0.072	5.708	1.142	6.009	1.142	3.004
PA0057720-002	Sunny Dell Foods	0.090	1.502	0.075	0.681	0.075	3.755
	<i>Total WLA</i>		158.679	19.393	98.489	12.967	61.839

TMDL Summary for Red Clay Creek Main Stem and East Branch

<i>NPDES</i>	<i>Facility Name</i>	<i>Flow mg/l</i>	<i>CBOD₅ mg/l</i>	<i>NH₃-N mg/l</i>	<i>TN mg/l</i>	<i>TP mg/l</i>	<i>DO mg/l</i>
DE0000230	Herculas, Inc., Wilmington	0.350	7.0	0.1	0.24	0.1	5.0
DE0021709	Greenville Country Club	0.150	20.0	1.5	10.0	2.0	5.0

<i>NPDES</i>	<i>Facility Name</i>	<i>Flow mg/l</i>	<i>CBOD₅ mg/l</i>	<i>NH₃-N mg/l</i>	<i>TN mg/l</i>	<i>TP mg/l</i>	<i>DO mg/l</i>
DE0050067	Center for Creative Arts	0.0015	30.0	30.0	40.0	10.0	6.0
DE0000451	NVF Yorklyn	2.1700	3.0	0.1	0.24	0.2	5.0
PA0055107	East Marlborough Unionville STP	0	0	0	0	0	0
<i>NPDES</i>	<i>Facility Name</i>	<i>Flow mg/l</i>	<i>CBOD₅ lb/day</i>	<i>NH₃-N lb/day</i>	<i>TN lb/day</i>	<i>TP lb/day</i>	<i>DO lb/day</i>
DE0000230	Herculas, Inc., Wilmington	0.350	20.446	0.292	0.701	0.292	14.604
DE0021709	Greenville Country Club	0.150	2.504	0.188	1.252	0.250	0.626
DE0050067	Center for Creative Arts	0.0015	0.376	0.376	0.501	0.125	0.075
DE0000451	NVF Yorklyn	2.1700	54.329	1.811	4.346	3.622	90.548
PA0055107	East Marlborough Unionville STP	0	0	0	0	0	0
<i>Total WLA</i>			77.655	2.666	6.800	4.289	105.853

TMDL Summary for White Clay Creek Middle Branch

<i>NPDES</i>	<i>Facility Name</i>	<i>Flow mg/l</i>	<i>CBOD₅ mg/l</i>	<i>NH₃-N mg/l</i>	<i>TN mg/l</i>	<i>TP mg/l</i>	<i>DO mg/l</i>
PA0053783	Penn London Elementary School	0.02	10.0	3.00	10.0	2.0	5.0
PA0024066	West Grove Borough STP	0.25	25.0	4.80	11.62	2.0	5.0
<i>NPDES</i>	<i>Facility Name</i>	<i>Flow mg/l</i>	<i>CBOD₅ lb/day</i>	<i>NH₃-N lb/day</i>	<i>TN lb/day</i>	<i>TP lb/day</i>	<i>DO lb/day</i>
PA0053783	Penn London Elementary School	0.02	1.669	0.501	1.669	0.334	0.835
PA0024066	West Grove Borough STP	0.25	52.159	10.014	24.243	4.173	10.432
<i>Total WLA</i>			53.828	10.515	25.912	4.507	11.266

TMDL Summary for White Clay Creek East Branch

<i>NPDES</i>	<i>Facility Name</i>	<i>Flow mg/l</i>	<i>CBOD₅ mg/l</i>	<i>NH₃-N mg/l</i>	<i>TN mg/l</i>	<i>TP mg/l</i>	<i>DO mg/l</i>
PA0052451	The Wood House STP	0.0012	25	10	24.2	10	6.0
PA0057029	Hewlett Packard GWCUC	0.144	2.0	0.04	2.10	0.11	5.0
PA0025488	Avondale Borough STP	0.50	15	1.20	20.00	2.0	2.0
PA0056898-001	ToJo Mushrooms	0.049	20	3.3	40	2.0	5.0
PA0056898-002	ToJo Mushrooms—NCCW	0.035	20	3.3	20	2.0	5.0
PA0029343	Chatham Acres—Nursing	0.027	20	3.0	35	2.0	5.0
PA0040436	Bowling Green STP	0.009	20.0	3.0	20.0	2.0	6.0
PA0040665	Stone Barn Rentals	0.011	20.0	3.0	25.0	2.0	6.0
<i>NPDES</i>	<i>Facility Name</i>	<i>Flow mg/l</i>	<i>CBOD₅ lb/day</i>	<i>NH₃-N lb/day</i>	<i>TN lb/day</i>	<i>TP lb/day</i>	<i>DO lb/day</i>
PA0052451	The Wood House STP	0.0012	0.25	0.1	0.242	0.100	0.060
PA0057029	Hewlett Packard GWCUC	0.144	2.403	0.048	2.524	0.132	6.009
PA0025488	Avondale Borough STP	0.50	62.591	5.007	83.400	8.00	8.340
PA0056898-001	ToJo Mushrooms	0.049	8.277	1.347	16.346	0.817	2.043
PA0056898-002	ToJo Mushrooms—NCCW	0.035	5.912	0.963	5.838	0.584	1.459
PA0029343	Chatham Acres—Nursing	0.027	4.504	0.675	7.881	0.450	1.126
PA0040436	Bowling Green STP	0.009	1.501	0.225	1.502	0.150	0.451
PA0040665	Stone Barn Rentals	0.011	1.835	0.275	2.293	0.183	0.550
<i>Total WLA</i>			87.281	8.640	120.026	10.416	20.038

[Pa.B. Doc. No. 12-2146. Filed for public inspection November 2, 2012, 9:00 a.m.]

Air Quality Technical Advisory Committee Meeting Cancellation

The Air Quality Technical Advisory Committee (Committee) meeting scheduled for Tuesday, November 13, 2012, has been cancelled. The next Committee meeting is scheduled for Thursday, December 13, 2012, in Room 105, Rachel Carson State Office Building at 9:15 a.m.

For additional information, contact Arleen Shulman at (717) 772-9495 or ashulman@state.pa.us. The agenda and materials for the meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.dep.state.pa.us> (DEP Keyword: "Air Quality Technical Advisory Committee").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Arleen Shulman at (717) 787-9495 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-2147. Filed for public inspection November 2, 2012, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.elibrary.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Final Technical Guidance—New Guidance

DEP ID: 021-2100-001. **Title:** Policy for Implementing the Department Permit Review Process and Permit Decision Guarantee. **Description:** On July 24, 2012, Governor Corbett signed Executive Order 2012-11 "Permit Decision Guarantee for the Department of Environmental Protection" directing the Department to, among other things, establish a Permit Review Process and Permit Decision

Guarantee. The executive order also rescinded the Money Back Guarantee created under Executive Order 1995-5.

The Department, on September 1, 2012, published for comment the draft "Policy for Implementing the Department of Environmental Protection (Department) Permit Review Process and Permit Decision Guarantee" to begin implementing the direction of the Executive Order. Upon review of the comments submitted the Department has made minor revisions to the draft policy and hereby publishes the final policy. The Department, by means of the prepared comment response document, has provided clarification and response to the comments and questions submitted during the comment period.

The Department plans to reevaluate the effectiveness of the new process and guarantee established through this policy on at least a quarterly basis during the first year. The first evaluation will be completed February 15, 2013.

Information pertaining to the Department's Permit Review Process and Permit Decision Guarantee can be found on the Department's web site at www.depweb.state.pa.us (DEP Search/Keyword: Permit Decision Guarantee).

Contact: Hayley Book, (717) 772-1856 or RA-EP-OPI@pa.gov.

Effective Date: November 3, 2012

DEP ID: 021-2000-301. **Title:** Policy for Permit Coordination. **Description:** The Policy for Permit Coordination, issued for comment as a revised policy on September 1, 2012, outlined how the Department will coordinate the review of multiple permits for proposed projects to ensure efficient use of its resources, thorough environmental review and consistent Department action on proposed projects before the commencement of operations, construction or other activities that require Department permits or approvals.

Upon review of the comments submitted the Department has made minor revisions to the revised policy and hereby publishes the final policy. The Department, by means of the prepared comment response document, has provided clarification and response to the comments and questions submitted during the comment period.

Information pertaining to the Department's Policy for Permit Coordination and Policy for Permit Review Process and Permit Decision Guarantee can be found on the Department's web site at www.dep.state.pa.us (DEP Search/Keyword: Permit Decision Guarantee).

Contact: Hayley Book, (717) 772-1856 or RA-EP-OPI@pa.gov.

Effective Date: November 3, 2012

Final Technical Guidance—Substantive Revision

DEP ID: 254-5401-001. **Title:** Best Practices for Environmental Protection in the Mushroom Farming Community. **Description:** This is an update of the guidance manual originally published in 1997. The manual provides a person or municipality with the information necessary for the proper preparation, use, processing and disposal of mushroom compost generated in the course of normal farming operations. The Department worked with the Department of Agriculture, Chester County Conservation District and the mushroom farming community during the development of the manual. This updated manual revises terminology to better reflect changing farming techniques; simplifies permit requirements for composting on and off the farm when valid Mushroom

Farming Environmental Management Plans are implemented; specifies requirements for odor and nutrient control; and updates state and county contacts. No comments were received during the comment period. Two minor comments were received after the close of the comment period which have been addressed.

Contact: Jeffrey Olsen, (717) 787-3103 or jeolsen@pa.gov.

Effective Date: November 3, 2012

Rescission of Technical Guidance

DEP ID: 013-2000-001. **Title:** Policy for Implementing the Department Money-Back Guarantee Permit Review Program. **Description:** Created under Executive Order 1995-5, the Money-Back Guarantee Permit Review Program established processing times for certain Department permits. On July 24, 2012, Governor Corbett signed Executive Order 2012-11 "Permit Decision Guarantee for the Department of Environmental Protection" directing the Department to, among other things, establish a Permit Review Process and Permit Decision Guarantee program to replace the former Money-Back Guarantee program. Because the Money-Back Guarantee program is no longer in effect, this guidance is no longer necessary and is being rescinded.

Information pertaining to the Department's Permit Review Process and Permit Decision Guarantee can be found on the Department's web site at www.dep.state.pa.us (DEP Search/Keyword: Permit Decision Guarantee).

Contact: Hayley Book, (717) 772-1856 or RA-EP-OPI@pa.gov.

Effective Date: November 3, 2012.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-2148. Filed for public inspection November 2, 2012, 9:00 a.m.]

Cleanup Standards Scientific Advisory Board Land Recycling Program Technical Guidance Manual Ad Hoc Workgroup Meeting

The Cleanup Standards Scientific Advisory Board's Land Recycling Program Technical Guidance Manual Ad Hoc Workgroup will hold a meeting on Thursday, November 15, 2012, at 10 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, Harrisburg, PA. The purpose of the meeting is to develop revisions to the Land Recycling Program Technical Guidance Manual.

Questions concerning this meeting can be directed to Dave Crownover at (717) 783-7816 or dcrownover@pa.gov. The agenda and meeting materials will be available through the Public Participation Center on the Department Environmental Protection's (Department) web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Allison Gaida directly at (724) 439-7289 or through the Pennsylvania AT&T Relay Service at (800) 654-5984

(TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-2149. Filed for public inspection November 2, 2012, 9:00 a.m.]

Nutrient Credit Trading Program; Notice of Certification Requests

The Department of Environmental Protection (Department) provides notice of the following certification requests that have been submitted under the Nutrient Credit Trading Program (Trading Program). See 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed), published at 40 Pa.B. 5790 (October 9, 2010).

Nutrient credit trading is a market-based program that provides incentives for entities to create nutrient reduction credits (credits) by going beyond statutory, regulatory or voluntary obligations and goals to remove nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System (NPDES) permittees to meet their effluent limits for nutrients.

The information described in this notice relates to submitted certification requests received from September 21, 2012, through October 22, 2012.

Background

Before a credit can be used by an NPDES permittee, a three-step process is followed: (1) the certification request must be approved; (2) generation of the credits must be verified; and (3) the credits must be registered.

Approval is also known as certification, which is a written approval by the Department for the use of a pollutant reduction activity to generate credits. Certifications are based on at least: (1) a written request describing the qualifying pollutant reduction activity that will reduce the pollutant loadings delivered to the applicable watershed; (2) the calculation to quantify the pounds of reductions expected; and (3) a verification plan that, when implemented, ensures that the qualifying pollutant reduction activity has taken place.

Once the credits are certified, they must be verified to be applied toward an NPDES permit for compliance with effluent limits. Verification means implementation of the verification plan contained in the certification. Verification plans require annual submittal of documentation to the Department that demonstrates that the qualifying pollutant reduction activity has taken place for the applicable compliance year.

The credits also need to be registered by the Department before they can be applied toward an NPDES permit for compliance with effluent limits. Registration occurs only after credits have been certified, verified and a contract has been submitted. The Department registers credits for use during the compliance year in which the qualifying pollutant reduction activity has taken place. The Department provides registered credits with an annual registry number for reporting and tracking purposes.

Certification Request

The following requests are being reviewed by the Department.

Applicant

Lycoming County Sewer and Water Authority
(Lycoming County)
NPDES PA0209228

Pollution Reduction Activity Description

This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity at Lycoming County Sewer and Water Authority's wastewater treatment plant.

Ephrata Borough Authority WWTP #2
(Lancaster County)
NPDES PA0087181

This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity at Ephrata Borough Authority's wastewater treatment plant #2.

Kelly Township Municipal Authority
(Union County)
NPDES PA0028261

This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity at Kelly Township Municipal Authority's wastewater treatment plant.

Hampden Township Sewer Authority
(Cumberland County)
NPDES PA0080314

This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity at Hampden Township Authority's Roth Lane wastewater treatment plant.

Written Comments

Interested persons may submit written comments on these proposed pollutant reduction activities by November 19, 2012. The Department will accept comments submitted by e-mail, but comments submitted by facsimile will not be accepted. A return name and address must be included in each email transmission. Written comments should be submitted to Brian Schlauderaff, Bureau of Point and Non-Point Source Regulation, Department of Environmental Protection, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-5620, bschlauder@pa.gov.

For further information about this certification request or the Trading Program contact Brian Schlauderaff, at the previously listed address or phone number or visit the Department's web site at www.dep.state.pa.us (DEP Keywords: "Nutrient Trading").

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-2150. Filed for public inspection November 2, 2012, 9:00 a.m.]

Pennsylvania State Clean Diesel Grant Program; Opening of the Grant Application Acceptance Period

The Department of Environmental Protection (Department) announces an opportunity to apply for \$177,611

that has been made available through the United States Environmental Protection Agency (EPA) and the Federal Diesel Emission Reduction Act. This funding is available through the Pennsylvania State Clean Diesel Grant Program for eligible diesel emission reduction projects that will improve air quality and protect public health and the environment by reducing emissions from diesel-powered vehicles.

The Department is seeking applications for projects that will replace, repower or retrofit fleet diesel-powered highway and nonroad vehicles. Funding is available for public and private entities that operate diesel-powered fleets throughout this Commonwealth. These entities may include school districts, municipal authorities, political subdivisions, other State agencies, nonprofit entities, corporations, limited liability companies or partnerships incorporated or registered in this Commonwealth. Projects must use technologies certified or verified by the EPA or the California Air Resources Board to lower diesel emissions. The technology may be a single technology or a combination of available technologies. The majority of the fleet's annual operation time must occur within this Commonwealth.

The Department will not reimburse grant recipients for project costs incurred prior to the grant performance period set forth in the applicable grant agreement.

The application package including guidance, instructions and application forms is available by contacting Martin T. Felion, Department of Environmental Protection, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-9702. The application package is also available electronically on the Department's web site at www.dep.state.pa.us (DEP Keywords "Clean Diesel").

The Department will begin accepting applications on November 5, 2012. All applications must be received by 4 p.m. on December 19, 2012, or postmarked on or before December 19, 2012. Faxes and electronic copies will not be accepted.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-2151. Filed for public inspection November 2, 2012, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Chestnut Hill Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Chestnut Hill Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-3.3.3.4(b)(i) (relating to staff toilet).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2152. Filed for public inspection November 2, 2012, 9:00 a.m.]

Application of Nemours Ambulatory Surgery Center—Bryn Mawr for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Nemours Ambulatory Surgery Center—Bryn Mawr has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1-8.7.2.3(1) and 3.7-3.8.1.2 (relating to hospital type elevators; and securing patients' personal effects).

This facility is also requesting exception to 28 Pa. Code § 571.2(d) (relating to modifications to HHS requirements).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2153. Filed for public inspection November 2, 2012, 9:00 a.m.]

Availability of Draft Preventive Health and Human Services Block Grant Application for Federal Fiscal Year 2013 and Notification of Public Hearing

The Department of Health (Department) is making copies available of the proposed Preventive Health and Human Services Block Grant Application for Federal Fiscal Year 2013 under section 1905 of the Public Health Service Act (act) (42 U.S.C.A. § 300w-4). This application is the Commonwealth's draft request to the United States Department of Health and Human Services (HHS) for block grant funding to address the Healthy People 2020 Health Status Objectives.

The block grant application is the Commonwealth's funding (fix formula-based) request to HHS describing proposed services, program goals and objectives and activities that are available for public comment. Copies (electronic or hard copy) of the proposals will be available on or after November 5, 2012, and can be obtained by calling the Bureau of Health Promotion and Risk Reduction at (717) 787-6214.

A public hearing will be conducted by the Department for the purpose of receiving testimony on the previously-mentioned application in accordance with section 1905 of the act. Comments and suggestions from the public should relate to the priorities and program plans included in the application.

The hearing will be held from 10 a.m. until 12 p.m., November 7, 2012, in Conference Room 1000, Health and Welfare Building, 625 Forster Street, Harrisburg, PA. Persons wishing to testify are requested to preregister by contacting the Bureau of Health Promotion and Risk Reduction at (717) 787-6214. Registration will be accepted on the day of the hearing. Persons will be allotted a maximum of 15 minutes to testify. Testifiers should provide the Department with two copies of their testimony at the time of the hearing.

Written comments will be accepted and should be sent to the Bureau of Health Promotion and Risk Reduction, 625 Forster Street, Room 1000, Health and Welfare Building, Harrisburg, PA 17120, and should be received no later than 4 p.m., December 7, 2012.

Persons with a disability who require an alternative format of the previously mentioned application (for example, large print or Braille) or wish to attend the public hearing or provide comment and require special accommodations to do so should notify the Bureau of Health Promotion and Risk Reduction at (717) 787-6214, or V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2154. Filed for public inspection November 2, 2012, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.26(e) (relating to laundry):

Edison Manor Nursing and Rehabilitation Center
222 West Edison Avenue
New Castle, PA 16101

The following long-term care nursing facility is seeking exceptions to 28 Pa. Code §§ 205.36(b) and 205.38(d) (relating to bathing facilities; and toilet facilities):

Wesley Enhanced Living at Stapeley
6300 Greene Street
Philadelphia, PA 19144
FAC ID 455502

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.67(k) (relating to electric requirements for existing and new construction):

Wesley Enhanced Living at Stapeley
6300 Greene Street
Philadelphia, PA 19144
FAC ID 455502

Wexford House Nursing Center
9850 Old Perry Highway
Wexford, PA 15090

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 207.2(b) (relating to administrator's responsibility):

Wesbury United Methodist Community
31 North Park Avenue Extension
Meadville, PA 16335-9430
FAC ID 990902

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2155. Filed for public inspection November 2, 2012, 9:00 a.m.]

Preventive Health and Human Services Block Grant Advisory Committee Meeting

The Preventive Health and Human Services Block Grant Advisory Committee meeting will hold a teleconfer-

ence (public) meeting on Monday, November 5, 2012, from 10 a.m. to 12 p.m. The purpose of the conference call is to discuss the proposed upcoming Federal Fiscal Year 2013 application issued by the Centers for Disease Control and Prevention. The teleconference will be held in Department of Health, Room 1000, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

For additional information contact Terry L. Walker, Administrative Officer, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA or (717) 787-6214.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Terry L. Walker, Administrative Officer at (717) 787-6214, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2156. Filed for public inspection November 2, 2012, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Availability of Local Real Estate Tax Reimbursement Grants for Taxes Paid in 2012

The Department of Transportation (Department), Bureau of Aviation (Bureau), is accepting applications for Tax Reimbursement Grants (grant) from qualifying owners of public airports who have paid local real estate taxes for the calendar year ending December 31, 2012.

Each year, under 74 Pa.C.S. Chapter 61, Subchapter B (relating to reimbursement of local real estate taxes for public airports) and 67 Pa. Code Chapter 477 (relating to local real estate tax reimbursement grants), the owner of a public airport shall be eligible for a grant from the local real estate tax reimbursement portion of the Aviation Restricted Account. These grants are available to reimburse airport owners for local real estate taxes paid on those portions of an airport which are aviation related areas, as defined in 74 Pa.C.S. § 5102 (relating to definitions). Prior to applying for a grant, each public airport owner shall enter into an agreement with the Department. This agreement shall specify that the owner shall continue, for a period of not less than 10 years, to maintain the property, for which the grant will be sought, as an airport at least equal in size and capacity as indicated in the owner's initial grant application. This agreement shall be a covenant, which runs with the land and shall apply to any subsequent purchases of land. Upon acceptance of any grant, the covenant shall be deemed extended for 1 additional year. Any violation of the agreement shall make the owner liable for the repayment of the total appropriation for the year plus a penalty of two times the grant. In any action wherein the owner is found to have violated the agreement, the Department shall receive all costs of prosecution. Note: Per the terms of the Real Estate Tax Reimbursement Grant agreement, the agreement must be filed with the Deed of Record in the respective County Office where the

airport is located. Proof of this recording is now required to receive real estate tax reimbursement.

The final date for submission of applications for reimbursement of local real estate taxes paid in the calendar year ending December 31, 2012, is the close of business on February 1, 2013. Applications shall be filed with the Bureau using dotGrants, the Department's web based grants administration program. For more detailed information, review the information on the Department's web site at www.dot.state.pa.us.

Interested persons may direct their request for online participation, inquiries or comments regarding the local real estate tax reimbursement program to Marcia Scott-Williams, Western Region at (717) 705-1205 or Catherine Green, Eastern Region at (717) 705-1222.

BARRY J. SCHOCH, P.E.,
Secretary

[Pa.B. Doc. No. 12-2157. Filed for public inspection November 2, 2012, 9:00 a.m.]

Medical Advisory Board Meeting

The Medical Advisory Board (Board) will meet on Friday, November 16, 2012, at 10 a.m. and is open to the public at the Riverfront Office Center, Transportation University, 1101 South Front Street, Harrisburg, PA. Chairperson Janet L. Dolan will preside.

Members of the public interested in addressing the Board with a concern relating to medical regulations must contact Laura Krol at (717) 783-4534 by Friday, November 9, 2012. These concerns will be discussed during "Items from the Floor" on the Agenda, which will open at 1:30 p.m.

The meeting location is accessible to persons with disabilities. Persons with special needs or requiring special aids are also requested to contact Laura Krol at (717) 783-4534 prior to the meeting so that disability needs may be accommodated.

BARRY J. SCHOCH, P.E.,
Secretary

[Pa.B. Doc. No. 12-2158. Filed for public inspection November 2, 2012, 9:00 a.m.]

GAME COMMISSION

Chronic Wasting Disease Response #1

Order

Whereas, Chronic Wasting Disease (CWD) is an infectious and progressive neurological disease that is found in, and always proves fatal to, members of the Family Cervidae (deer, elk or moose, and other susceptible species, collectively called cervids); and

Whereas, The specific cause of CWD is believed to be prions (abnormal infectious protein particles) that are known to be concentrated in the nervous system and lymphoid tissues of infected cervids; and

Whereas, There are no known treatments for CWD infection, no vaccines to protect against CWD infection, and no approved tests that can detect the presence of CWD in live cervids; and

Whereas, CWD has been designated a "dangerous transmissible disease" of animals by order of the Secretary of Agriculture under the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301 et seq.) at 3 Pa.C.S. § 2321(d); and

Whereas, CWD is known to be transmissible from infected to uninfected cervids by contact with or ingestion of CWD-infected or contaminated cervid parts or materials; and

Whereas, CWD is of particular concern to the Commonwealth of Pennsylvania because it has the potential to have a severe, detrimental impact on both Pennsylvania's wild and captive cervid populations; and

Whereas, the Pennsylvania Department of Agriculture (PDA) and the Pennsylvania Game Commission (PGC) have determined that CWD has been found in a captive deer that lived in, at least, Lycoming County, Adams County and York County; and

Whereas, PDA and the PGC are signatories on the Commonwealth's CWD Response Plan; and

Whereas, The Game and Wildlife Code (Code) (34 Pa.C.S. §§ 101 et seq.) and regulations promulgated thereunder (58 Pa. Code §§ 131.1 et seq.) collectively provide broad authority to the PGC to regulate activities relating to the protection, preservation, and management of game and wildlife, including cervids; and

Whereas, 58 Pa. Code § 137.34 provides specific emergency authority to the Executive Director of the PGC to take actions to mitigate risk factors and to determine the prevalence and geographic distribution of CWD.

Now Therefore, I, Carl G. Roe, Executive Director of the Pennsylvania Game Commission, pursuant to the authority vested in me by the Code and regulations promulgated thereunder, do hereby order and direct the following:

1. I hereby designate a Disease Management Area (DMA) in Adams and York Counties, Pennsylvania, bounded and described as follows:

Starting at the intersection of I-76 and the west bank of the Susquehanna River heading south along the River (21.8 miles) to US Highway 30. Westbound on US Highway 30 (18.3 miles) to Highway 116. Highway 116 towards Hanover (13.7 miles). In Hanover southwest on State Highway 194 (7 miles) to Littlestown, then northwest on State Highway 97 (9.7 miles) to Gettysburg. In Gettysburg, north on State Highway 34 (14.3 miles) to the Idaville road. East on Idaville road (4.8 miles) to the intersection of State Highway 94. North State Highway 94 (2 miles) to Latimore road. East on Latimore road (1.6 miles) to Mountain road. North on Mountain road (6.9 miles) to Dillsburg and the intersection of US Highway 15. North on US Highway 15 (3.2 miles) to the Yellow Breeches Creek (County Line). Northeast along the banks of the Yellow Breeches Creek (12.1 miles) to the intersection of I-76. East along I-76 (6.4 miles) to the intersection of Susquehanna River and the starting point.

This DMA is graphically depicted for ease of dissemination on the map attached to this Order. However, the DMA is described as above, if any conflict appears between the written description and the map.

2. In addition to any previous Executive Orders regarding importation of cervid parts, including but not limited to the Cervid Parts Importation Ban #5 dated October 16,

2012, as the same may be amended in the future, I hereby prohibit the removal of high risk cervid parts from the DMA.

3. For the purposes of this Order, high-risk parts or materials shall be defined as any parts or materials, derived from cervids, which are known to accumulate abnormal prions. This includes any of the following:

- a. Head (including brain, tonsils, eyes, and lymph nodes);
- b. Spinal Cord / Backbone (vertebra);
- c. Spleen;
- d. Skull plate with attached antlers, if visible brain or spinal cord material is present;
- e. Cape, if visible brain or spinal cord material is present;
- f. Upper canine teeth, if root structure or other soft material is present;
- g. Any object or article containing visible brain or spinal cord material;
- h. Brain-tanned hide.

4. For the purposes of this Order, high-risk parts or materials shall not include any of the following:

- a. Meat, without the backbone;
- b. Skull plate with attached antlers, if no visible brain or spinal cord material is present;
- c. Tanned hide or rawhide with no visible brain or spinal cord material present;
- d. Cape, if no visible brain or spinal cord material is present;
- e. Upper canine teeth, if no root structure or other soft material is present; and
- f. Taxidermy mounts, if no visible brain or spinal cord material is present.

5. I hereby order that all cervids harvested within the DMA shall be subject to CWD testing. This testing shall require hunters to present cervids, or cervid parts, for checking and sampling at the PGC maintenance building on State Game Land Number 249, 1070 Lake Meade Road, East Berlin, pursuant to conditions set forth in a forthcoming process. The process shall be made known through public announcement, website and other means reasonably intended to reach the widest audience. The cost of such testing and reporting to the hunter is to be borne by the PGC.

6. I hereby order that the rehabilitation of cervids within the DMA is prohibited.

7. I hereby order that the use and possession of cervid urine-based attractants is prohibited within the DMA, as the same tends to aggregate cervids which increases the likelihood of spread of CWD.

8. I hereby prohibit the feeding of wild, free-ranging cervids in the DMA, as the same tends to aggregate cervids which increases the likelihood of spread of CWD.

9. I hereby prohibit any new PGC permits to possess or transport live cervids in the DMA.

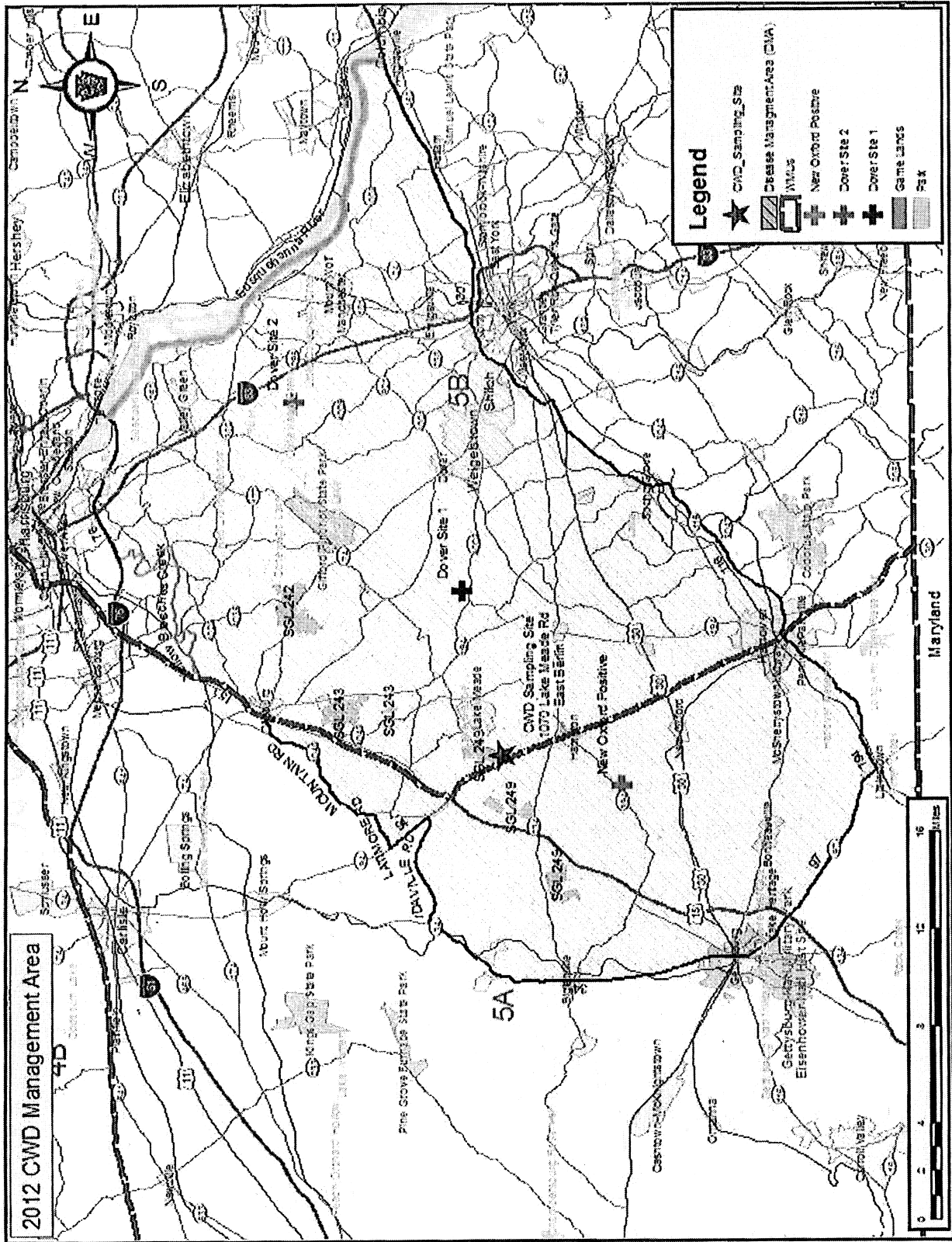
10. This Order shall not be construed in any manner to limit the PGC's authority to establish additional importation or testing requirements on imported cervid parts or materials.

11. Nothing in this Order shall be construed to extend to the regulation of captive cervids held under 3 Pa.C.S. Chapter 27 (relating to the Domestic Animal Law or the requirements of a lawful quarantine order issued by the Department of Agriculture).

12. This Order is effective immediately and shall remain in effect until rescinded or modified by subsequent order.

Given under my hand and seal of the Pennsylvania Game Commission on this, the 17th day of October 2012.

CARL G. ROE,
Executive Director



[Pa.B. Doc. No. 12-2159. Filed for public inspection November 2, 2012, 9:00 a.m.]

GOVERNOR'S ADVISORY COMMISSION ON POSTSECONDARY EDUCATION

Meeting Scheduled

The Governor's Advisory Commission on Postsecondary Education (Commission) will be meeting Friday, November 9, 2012. The meeting will begin at 2 p.m. at the Rachel Carson State Office Building, Room 105, 400 Market Street, Harrisburg, PA 17101. Persons interested in attending are encouraged to register through the Commission's web site at www.pahigheredcommission.com due to limited seating. Questions can be directed to Becky Myers at (717) 772-9048 or rebmyers@pa.gov.

ROBERT WONDERLING,
Chairperson

[Pa.B. Doc. No. 12-2160. Filed for public inspection November 2, 2012, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken By The Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, October 18, 2012, and announced the following:

Action Taken—Regulations Approved:

State Board of Accountancy #16A-5511: Continuing Professional Education (amends 49 Pa. Code Chapter 11)

Bureau of Professional and Occupational Affairs #16A-48: Schedule of Civil Penalties—Accountants (amends 49 Pa. Code § 43b.10a)

Board of Coal Mine Safety #7-463: Requirements for Automated External Defibrillators (amends 25 Pa. Code Chapter 208)

Approval Order

Public Meeting Held
October 18, 2012

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq.

*State Board of Accountancy—
Continuing Professional Education;
Regulation No. 16A-5511 (#2902)*

On August 8, 2011, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Accountancy (Board). This rulemaking amends 49 Pa. Code Chapter 11. The pro-

posed regulation was published in the August 20, 2011 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 4, 2012.

This regulation reorganizes and updates continuing professional education requirements for Certified Public Accountants and Public Accountants.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 9.3(a)(10)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
October 18, 2012

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq.

*Bureau of Professional and Occupational Affairs—
Schedule of Civil Penalties—Accountants;
Regulation No. 16A-48 (#2904)*

On August 8, 2011, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Bureau of Professional and Occupational Affairs (Bureau). This rulemaking amends 49 Pa. Code § 43b.10a. The proposed regulation was published in the August 20, 2011 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 12, 2012.

This regulation amends the civil penalty schedule for violations of the continuing education regulations of the State Board of Accountancy (Board). This regulation is the companion piece to Regulation #16A-5511 (IRRC #2902) from the Board entitled: "Continuing Professional Education."

We have determined this regulation is consistent with the statutory authority of the Bureau (63 P. S. § 2205(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
October 18, 2012

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson, dissenting; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq., dissenting; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq.

*Board of Coal Mine Safety—
Requirements for Automated External Defibrillators;
Regulation No. 7-463 (#2920)*

On October 26, 2011, the Independent Regulatory Review Commission (Commission) received this proposed

regulation from the Board of Coal Mine Safety (Board). This rulemaking amends 25 Pa. Code Chapter 208. The proposed regulation was published in the November 5, 2011 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on August 30, 2012.

This regulation establishes safety standards relating to automated external defibrillators (AEDs). Specifically, the rulemaking would require the placement of AEDs at certain locations at each underground mine operation.

We have determined this regulation is consistent with the statutory authority of the Board (52 P. S. §§ 690-106

and 106.1) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 12-2161. Filed for public inspection November 2, 2012, 9:00 a.m.]

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
18-433	Department of Transportation Access to and Occupancy of Highways by Driveways and Local Roads 42 Pa.B. 5497 (August 25, 2012)	9/24/12	10/24/12

Department of Transportation Regulation #18-433 (IRRC #2968)

Access to and Occupancy of Highways by Driveways and Local Roads

October 24, 2012

We submit for your consideration the following comments on the proposed rulemaking published in the August 25, 2012 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of Transportation (Department) to respond to all comments received from us or any other source.

1. Section 441.3. Permit application procedure.— Clarity; Implementation procedures.

Subsection (b)(1) requires an applicant that is not the fee owner of a property or a local government to notify the fee owner that an application has been submitted. In addition, the applicant must either secure the approval of the fee owner to submit the application or indemnify the Commonwealth against an action which the fee owner may bring against the Commonwealth relating to the permit or application. We have two concerns. First, under Subsection (b)(1)(i), what are the requirements for securing the approval of the owner? Must consent be given in writing? This should be clarified in the final-form regulation.

Second, Subsection (b)(1)(ii) states that the indemnification must be “in a form acceptable to the Department.” This phrase is vague and does not establish a standard that provides clear guidance to the regulated community.

We recommend that the final-form regulation be amended to specify the type of indemnification that would be acceptable to the Department.

We note that similar vague phrases can be found in the following sections of the proposed rulemaking and recommend those phrases be amended in accordance with the suggestion above: § 441.3(b)(2); § 441.3(e)(3); § 441.3(h); and § 441.6(16)(i).

2. Section 441.4. Permit fees.—Fiscal impact; Need; Implementation procedures; Reasonableness; Clarity.

Proposed amendments to this section delete the existing fee structure and replace it with language that states that the fee schedule for application processing, review of the application and associated materials, permit inspection, permit supplement and miscellaneous fees will be established via publication of the schedule in the *Pennsylvania Bulletin*. The fees will not exceed the approximate reasonable costs of the Department in the administration of the permit. In addition, the Department may periodically review and revise the schedule by publishing a revised schedule in the *Pennsylvania Bulletin*. We have four concerns with this section of the proposed rulemaking.

First, the Preamble to the proposed rulemaking explains what the changes to this section are, but fails to explain the need for the changes. When the final-form rulemaking is submitted, the Department should include an explanation of why the changes are needed.

Second, we are unable to determine what the fiscal impact of these changes will be to the regulated community. We ask the Department to estimate what the new

fee schedule will be and to quantify what the costs will be to the regulated community. We also ask the Department to provide information on how much revenue the existing fee schedule has generated. This information should be included in the Regulatory Analysis Form submitted with the final-form regulation.

Third, the existing fee schedule states the fees collected will be used to “defray costs incurred by the Department” for the various tasks it must perform in conjunction with issuing the permits. The proposed language indicates that the fees “will not exceed the approximate reasonable cost” to issue the permits. The difference between “defraying” costs and “approximate reasonable” costs could be significant. In addition, the proposed language does not specify how the Department will calculate the costs associated with issuing permits. We suggest that the final-form regulation provide more detail on what it considers to be “approximate reasonable” costs and what factors will be used to calculate the amount of the fees.

Finally, we question if this approach to setting and raising fees is reasonable. We are concerned that the regulated community will not have an opportunity to review and comment on fee increases. Why has the Department decided to remove the fee schedule from its regulations? We recognize that adjusting the fees through the regulatory review process is not as expedient as adjusting fees through publication in the *Pennsylvania Bulletin*. However, we believe that the regulatory review process provides a certain level of accountability and transparency that outweighs expediency. For this reason, we suggest that the fee schedule remain in the Department’s regulations.

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 12-2162. Filed for public inspection November 2, 2012, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from www.irrc.state.pa.us.

<i>Final Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
15-454	Department of Revenue Board of Appeals; Small Games of Chance	10/18/12	12/13/12
15-456	Department of Revenue Personal Income Tax; Amended Returns	10/18/12	12/13/12

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 12-2163. Filed for public inspection November 2, 2012, 9:00 a.m.]

INSURANCE DEPARTMENT

Children’s Health Insurance Program Advisory Council Meeting

The Insurance Department has scheduled a meeting of the Children’s Health Insurance Program Advisory Council (Council) on Tuesday, November 27, 2012, at 10 a.m. at the Department of Education, Heritage Rooms A and B, Lobby Level, 333 Market Street, Harrisburg, PA 17120. The Children’s Health Care Act (40 P.S. §§ 991.2301–991.2362) charges the Council with the responsibilities of overseeing outreach activities and evaluating access and quality of service provided to children enrolled in the Children’s Health Insurance Program. The public is invited to attend. Persons who need accommodations due to a disability who wish to attend the meeting should contact Kirk Montrose, Insurance Department, 1300 Strawberry Square, Harrisburg, PA 17120 or (717) 214-4781, at least 24 hours in advance so that arrangement can be made.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-2164. Filed for public inspection November 2, 2012, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board seeks the following new sites:

Lancaster County, Wine & Spirits Store # (TBD) (New Store), Willow Street, PA

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 to 5,000 net useable square feet of new or existing retail commercial space in or near Kendig Square, within a 2-mile radius of the intersections of Rt. 272 and Rt. 741, in the vicinity of Willow Street, PA.

Proposals due: November 21, 2012, at 12 p.m.

Department: Liquor Control Board
Location: Bureau of Real Estate, Real Estate Region #2, Northwest Office Building, Room #313, 910 Capital Street, Harrisburg, PA 17124-0001
Contact: William M. Matsko, (717) 787-3016, wmatsko@pa.gov

Lancaster County, Wine & Spirits Store # (TBD) (New Store), Lancaster, PA

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 to 5,000 net useable square feet of new or existing retail commercial space in or near Landis Valley, within the area of New Holland Pike (Rt. 23), East Oregon Road (Rt. 772), North Lititz Pike (Rt. 501) and West Rt. 30 to the south, within the vicinity of Lancaster, PA.

Proposals due: November 21, 2012, at 12 p.m.

Department: Liquor Control Board
Location: Bureau of Real Estate, Real Estate Region #2, Northwest Office Building, Room #313, 910 Capital Street, Harrisburg, PA 17124-0001
Contact: William M. Matsko, (717) 787-3016, wmatsko@pa.gov.

JOSEPH E. BRION,
Chairperson

[Pa.B. Doc. No. 12-2165. Filed for public inspection November 2, 2012, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Approval of a Merger

A-2012-2330701 and A-2012-2330702. TCG New Jersey, Inc. and TCG Pittsburgh and Teleport Communications America, LLC. Joint application of TCG New Jersey, Inc. and TCG Pittsburgh and Teleport Communications America, LLC for approval of a merger whereby TCG New Jersey, Inc. and TCG Pittsburgh will merge into Teleport Communications America, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before November 19, 2012. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Applicant: TCG New Jersey, Inc., TCG Pittsburgh

Through and By Counsel: Michelle Painter, Esquire, Painter Law Firm, PLLC, 13017 Dunhill Drive, Fairfax, VA 22030

Philip S. Shapiro, AT&T Legal Department, 3033 Chain Bridge Road, Oakton, VA 22185

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2166. Filed for public inspection November 2, 2012, 9:00 a.m.]

Approval of a Transfer

A-2012-2330688 and A-2012-2330693. Locus Telecommunications, Inc. and KDDI America, Inc. Joint

application of Locus Telecommunications, Inc. and KDDI America, Inc., for approval of a transfer of up to 49% of Locus Telecommunications, Inc. to KDDI America, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before November 19, 2012. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Applicant: Locus Telecommunications, Inc., KDDI America, Inc.

Through and By Counsel: Lance J. M. Steinhart, Esquire, Lance J. M. Steinhart, PC, 1725 Windward Concourse, Suite 150, Alpharetta, GA 30005

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2167. Filed for public inspection November 2, 2012, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by November 19, 2012. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2012-2316981. Carried Away Recreation, LLC (34 Mack Road, Greenville, Mercer County, PA 16125)—in paratransit service, from points in Mercer County, to points in Mercer and Crawford Counties.

A-2012-2323013. LB Limousine Services, LLC (123 Hamilton Street, Allentown, PA 18101) to transport persons in limousine service, from points in the County of Lehigh to points in Pennsylvania, and return.

Applications of the following for the approval of the right and privilege to *discontinue/abandon* operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.

A-2012-2324825. William R. Smoley (100 PA Avenue, Selinsgrove, Snyder County, PA Snyder County, PA 17870)—to discontinue service as a common carrier by motor vehicle, at A-00116389, F0002, authorizing the transportation, as a common carrier, by motor vehicle,

persons in group or party service, in vehicles with a seating capacity of 15 passengers or less including the driver, between points in the Counties of Snyder, Union, Northumberland, Columbia, and Montour and from points in said Counties, to points in Pennsylvania, and return. (Charles M. McCuen, Esquire, P. O. Box 446, Selinsgrove, PA 17870)

A-2012-2324837. William R. Smoley (100 PA Avenue, Selinsgrove, Snyder County, PA 17870)—to discontinue service as a common carrier by motor vehicle, at A-00116389, authorizing the transportation, as a common carrier, by motor vehicle, persons in paratransit service, between points in the Counties of Snyder, Union, Northumberland, Montour, Columbia and Luzerne, and from points in said Counties, to points in Pennsylvania, and return. (Charles M. McCuen, Esquire, P. O. Box 446, Selinsgrove, PA 17870)

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Ellas Limo, Inc.;
Doc. No. C-2012-2029746*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Ellas Limo, Inc. (respondent) is under suspension effective 2008/02/25 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 3801 Bensalem Boulevard, Bensalem, PA 19020.
3. That respondent was issued a Certificate of Public Convenience by this Commission on September 09, 2005, at A-00121390.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00121390 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 8/1/2012

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and
Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Acord Certificates of Insurance and faxed Form Es and Hs are unacceptable as evidence of insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to

James J. McNulty, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer and receipt of your fine payment, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Courier Express, Inc.;
 Doc. No. C-2012-2285044*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Courier Express, Inc., (respondent) is under suspension effective January 05, 2012 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 172 South 21st Street, Pittsburgh, PA 15203.

3. That respondent was issued a Certificate of Public Convenience by this Commission on May 08, 2000, at A-00105585.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00105585 for failure to maintain evidence of current insurance on file with the

Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Michael E. Hoffman, Manager
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 1/26/12

Michael E. Hoffman, Manager
 Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor
 Harrisburg, Pennsylvania 17120

Additionally, please serve a copy on:

Wayne T. Scott, Prosecutor
 Bureau of Investigation and Enforcement
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, Pennsylvania 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current

insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord Certificates of Insurance and faxed Form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the proposed penalty in this Complaint, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth in this Complaint.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. R&R Express Inc, t/a
RFL Express Inc; Doc. No. C-2012-2318464*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to R&R Express Inc, t/a RFL Express Inc, (respondent) is under suspension effective June 22, 2012 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at P. O. Box 130, Drexel Hill, PA 19026.

3. That respondent was issued a Certificate of Public Convenience by this Commission on August 14, 2007, at A-00123963.

4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00123963 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 8/8/2012

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor
 Harrisburg, Pennsylvania 17120

Additionally, please serve a copy on:

Wayne T. Scott, Prosecutor
 Bureau of Investigation and Enforcement
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, Pennsylvania 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Acord Certificates of Insurance and faxed Form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the proposed penalty in this Complaint, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth in this Complaint.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint

(for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Kevin C Sunderland;
Doc. No. C-2012-2309957

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Kevin C Sunderland, (respondent) is under suspension effective May 25, 2012 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 5186 Grange Hall Rd, Alexandria, PA 16611.

3. That respondent was issued a Certificate of Public Convenience by this Commission on March 09, 2009, at A-8910748.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8910748 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

David W. Loucks, Chief
 Motor Carrier Enforcement
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any

hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 6/19/2012

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor
Harrisburg, Pennsylvania 17120

Additionally, please serve a copy on:

Wayne T. Scott, Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, Pennsylvania 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Acord Certificates of Insurance and faxed Form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the proposed penalty in this Complaint, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth in this Complaint.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Dhillon Transportation
Inc; Doc. No. C-2011-2269753*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Dhillon Transportation Inc, Respondent, maintains a principal place of business at 146 Glencoe Road, Upper Darby, PA 19082.

2. That Respondent was issued a certificate of public convenience by this Commission on December 20, 2001, at Docket No. A-00118334,F.1, and on June 25, 2004, at Docket No. A-00118334,F.2, for call or demand authority.

3. That, between December 1 and December 31 of 2010, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Manager, Inspection Division, Bureau of Investigation and Enforcement, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission fine Dhillon Transportation Inc the sum of two hundred and fifty

dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement

VERIFICATION

I, Michael E. Hoffman, Manager, Inspection Division, of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 11/8/11

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor
Harrisburg, Pennsylvania 17120

Additionally, please serve a copy on:

Wayne T. Scott, Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. B & M Transport Inc;
Doc. No. C-2011-2269609*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That B & M Transport Inc, Respondent, maintains a principal place of business at 11948 Dumont Road, Philadelphia, PA 19116.

2. That Respondent was issued a certificate of public convenience by this Commission on June 16, 1998, at Docket No. A-00114881,F.1, and on July 18, 2003, at Docket No. A-00114881,F.2, for call or demand authority.

3. That, between December 1 and December 31 of 2010, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Manager, Inspection Division, Bureau of Investigation and Enforcement, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission fine B & M Transport Inc the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement

VERIFICATION

I, Michael E. Hoffman, Manager, Inspection Division, of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 11/4/11

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor
Harrisburg, Pennsylvania 17120

Additionally, please serve a copy on:

Wayne T. Scott, Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Destination Cab Co;
Doc. No. C-2011-2269751*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Destination Cab Co, Respondent, maintains a principal place of business at 6243 Throtter Street, Philadelphia, PA 19111.

2. That Respondent was issued a certificate of public convenience by this Commission on July 16, 1997, at Docket No. A-00114007, for call or demand authority.

3. That, between December 1 and December 31 of 2010, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Manager, Inspection Division, Bureau of Investigation and Enforcement, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission fine Destination Cab Co the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement

VERIFICATION

I, Michael E. Hoffman, Manager, Inspection Division, of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 11/8/11

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor
Harrisburg, Pennsylvania 17120

Additionally, please serve a copy on:

Wayne T. Scott, Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of

Investigation and Enforcement will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Atibas Taxicab Co;
Doc. No. C-2011-2269606*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Atibas Taxicab Co, Respondent, maintains a principal place of business at 5029 Cedar Avenue, Philadelphia, PA 19143.

2. That Respondent was issued a certificate of public convenience by this Commission on April 11, 1988, at Docket No. A-00103391, for call or demand authority.

3. That, between December 1 and December 31 of 2010, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Manager, Inspection Division, Bureau of Investigation and Enforcement, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission fine Atibas Taxicab Co the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement

VERIFICATION

I, Michael E. Hoffman, Manager, Inspection Division, of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the

statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 11/4/11

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor
Harrisburg, Pennsylvania 17120

Additionally, please serve a copy on:

Wayne T. Scott, Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

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E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. A S Cab Co;
Doc. No. C-2011-2269389*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That A S Cab Co, Respondent, maintains a principal place of business at 2119 W. Passyunk Avenue, Philadelphia, PA 19145.

2. That Respondent was issued a certificate of public convenience by this Commission on January 12, 2005, at Docket No. A-00121240, for call or demand authority.

3. That, between December 1 and December 31 of 2010, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Manager, Inspection Division, Bureau of Investigation and Enforcement, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission fine A S Cab Co the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate. Respectfully submitted, Michael E. Hoffman, Manager Bureau of Investigation and Enforcement

VERIFICATION

I, Michael E. Hoffman, Manager, Inspection Division, of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 11/4/11

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor
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Additionally, please serve a copy on:

Wayne T. Scott, Prosecutor
 Bureau of Investigation and Enforcement
 Pennsylvania Public Utility Commission
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 Harrisburg, PA 17105-3265

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Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law

judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2168. Filed for public inspection November 2, 2012, 9:00 a.m.]

Telecommunications

A-2012-2329817. Consolidated Communications of Pennsylvania, LLC and Cricket Communications, Inc. Joint petition of Consolidated Communications of Pennsylvania, LLC and Cricket Communications, Inc. for approval of amendment to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Consolidated Communications of Pennsylvania, LLC and Cricket Communications, Inc., by its counsel, filed on October 17, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Consolidated Communications of Pennsylvania, LLC and Cricket Communications, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2169. Filed for public inspection November 2, 2012, 9:00 a.m.]

Telecommunications Services

A-2012-2330792 and A-2012-2330796. TCG Pittsburgh and TCG New Jersey, Inc. Joint application of TCG Pittsburgh and TCG New Jersey, Inc. for approval of the abandonment or discontinuance of all telecommunications services to the public in this Commonwealth.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before November 19, 2012. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Applicant: TCG New Jersey, Inc., TCG Pittsburgh
Through and By Counsel: Michelle Painter, Esquire,
 Painter Law Firm, PLLC, 13017 Dunhill Drive, Fairfax,
 VA 22030

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2170. Filed for public inspection November 2, 2012, 9:00 a.m.]

Telecommunications Services

A-2012-2330825. Teleport Communications America, LLC. Application of Teleport Communications America, LLC for approval of authority to offer, render, furnish or supply telecommunications services to the public in the service territory of The United Telephone Company of PA, d/b/a CenturyLink.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before November 19, 2012. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Applicant: Teleport Communications America, LLC
Through and By Counsel: Michelle Painter, Esquire,
 Painter Law Firm, PLLC, 13017 Dunhill Drive, Fairfax,
 VA 22030

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2171. Filed for public inspection November 2, 2012, 9:00 a.m.]

Water Service

A-2012-2330542. Pennsylvania American Water Company. Application of Pennsylvania American Water Company for approval of the right to begin to offer, render, furnish or supply water service to the public in additional portions of Summit Township, Butler County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before November 19, 2012. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Applicant: Pennsylvania American Water Company
Through and By Counsel: Velma A. Redmond, Esquire,
 Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire,
 800 West Hersheypark Drive, Hershey, PA 17033

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2172. Filed for public inspection November 2, 2012, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Motor Carrier Medallion Transfer Application for Service in the City of Philadelphia

Permanent or temporary authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant. The company has applied to transfer the rights held by Global Comfort, Inc. (CPC No. 1020838-01, Medallion P-0337) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

A-12-10-05. Ryder Cub Taxi, LLC, 2351 South Swanson Street, Philadelphia, PA 19148, registered with the Commonwealth on November 30, 2011.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by November 19, 2012. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 12-2173. Filed for public inspection November 2, 2012, 9:00 a.m.]

STATE BOARD OF COSMETOLOGY

Bureau of Professional and Occupational Affairs vs. Florence D. Cooper; Doc. No. 1259-45-2012

On July 16, 2012, Florence D. Cooper, license no. CM012108L, of Pittsburgh, Allegheny County, was suspended for failing to pay a previously imposed civil penalty.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the State Board of Cosmetology's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

MARY LOU ENOCHES,
Chairperson

[Pa.B. Doc. No. 12-2174. Filed for public inspection November 2, 2012, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs
vs. Cre8tive Concepts Hair Studio; Doc. No.
2136-45-09**

On August 18, 2011, Cre8tive Concepts Hair Studio, license no. CB121262 of Lansdowne, Delaware County, was assessed a civil penalty of \$500, based on findings cosmetology services were provided by unlicensed employees.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the State Board of Cosmetology's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

MARY LOU ENOCHES,
Chairperson

[Pa.B. Doc. No. 12-2175. Filed for public inspection November 2, 2012, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs
vs. Maneline Hair Studio; Doc. No. 1262-45-2012**

On July 16, 2012, Maneline Hair Studio, license no. CB118423, of East Stroudsburg, Monroe County, was suspended for failing to pay a previously imposed civil penalty.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the State Board of Cosmetology's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

MARY LOU ENOCHES,
Chairperson

[Pa.B. Doc. No. 12-2176. Filed for public inspection November 2, 2012, 9:00 a.m.]

STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs
vs. Nicole Bogart Jestine, LPN; Doc. No. 2273-
51-11**

On July 24, 2012, Nicole Bogart Jestine, LPN, license no. PN258958L, of Wapwallopen, Luzerne County, was

indefinitely suspended retroactive to March 22, 2012, based on findings that she is unable to practice professional nursing with reasonable skill and safety.

Individuals may obtain a copy of the order by writing to Beth Sender Michlovitz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

JOSEPH J. NAPOLITANO, PhD, MPH, CRNP,
Chairperson

[Pa.B. Doc. No. 12-2177. Filed for public inspection November 2, 2012, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs
vs. John Johnson, Jr., RN; Doc. No. 1940-51-11**

On June 7, 2012, John Johnson, Jr., RN, license no. RN323789L, of Pittsburgh, Allegheny County, had his nursing license revoked because he pled guilty to three felonies and entered nolo contendere to three felonies in a court of the Commonwealth.

Individuals may obtain a copy of the order by writing to Beth Sender Michlovitz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

JOSEPH J. NAPOLITANO, PhD, MPH, CRNP,
Chairperson

[Pa.B. Doc. No. 12-2178. Filed for public inspection November 2, 2012, 9:00 a.m.]

STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

**Bureau of Professional and Occupational Affairs
vs. Michael Dean Brinker; Doc. No. 0679-60-2012**

On August 7, 2012, Michael Dean Brinker, of Tarentum, Allegheny County, was revoked and assessed a \$6,000 civil penalty based upon his criminal conviction for crimes of moral turpitude, felony crimes and making a material misstatement on a licensure application.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

FRANK SNYDER,
Chairperson

[Pa.B. Doc. No. 12-2179. Filed for public inspection November 2, 2012, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for

Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board.

The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, so individuals interested in challenging this action should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/ Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Jonas Beiler 99 Davidson Road Jersey Shore, PA 17740	Clinton County/ Crawford Township	0	Veal	New	Approved
Brendon Zimmerman 2490 Mill Road Elizabethtown, PA 17022	Dauphin County/ Conewago Township	152	Broilers	New	Approved
Pine Hurst Acres 3036 Sunbury Road Danville, PA 17821	Northumberland County/Rush Township	0	Swine	New	Approved
Franklin View Farms 1700 Prospect Road Washington, PA 17582	Lancaster County/ Manor Township	91.5	Cattle	New	Approved

MICHAEL L. KRANCER,
Chairperson

[Pa.B. Doc. No. 12-2180. Filed for public inspection November 2, 2012, 9:00 a.m.]

STATE REAL ESTATE COMMISSION

Bureau of Professional and Occupational Affairs vs. James J. Conlin; Doc. No. 1235-56-2012

On July 12, 2012, James Conlin, license no. RS223660L, of Downingtown, Chester County, was suspended under the Order of the Court of Common Pleas of Chester County dated June 18, 2012, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Cynthia K. Montgomery, Senior Counsel in Charge, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649.

JEFFREY J. JOHNSON,
Chairperson

[Pa.B. Doc. No. 12-2181. Filed for public inspection November 2, 2012, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at September Meeting

As part of its regular business meeting held on September 20, 2012, in Harrisburg, PA, the Susquehanna River Basin Commission (Commission) took the following actions: 1) approved or tabled the applications of certain water resources projects; and 2) took additional actions, as set forth in the Supplementary Information section as follows.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net; or regular mail inquiries may be sent to Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391. See also Commission web site at www.srbc.net.

Supplementary Information

In addition to its related actions on projects identified in the previous summary and the following listings, the following items were also presented or acted on at the

business meeting: 1) approved/ratified grants involving the Chesapeake Bay Nutrient Monitoring Program, the development of Total Maximum Daily Loads studies, and the Public Water System Assistance Initiative Project with the Department of Environmental Protection; 2) amended the Water Quality Protection and Pollution Prevention Grant (known as the 106 grant); 3) authorized expansion of the Commission Remote Water Quality Monitoring Network; 4) approved two listing agreements with Latus Commercial Realty for sale of the current headquarters building and leasing of space in the new headquarters building now under construction; 5) approved the partial waiver of application fees when a project sponsor withdraws an application prior to the Commission beginning its technical review; 6) approved a request by Talon Holdings, LLC for a conditional transfer extension related to the Hawk Valley Golf Course, Lancaster County, PA; and 7) approved issuance of a corrective docket to Nature's Way Purewater Systems, Inc. to correct an error misidentifying a project feature for which monitoring is required.

Project Applications Approved

The Commission approved the following project applications:

1. Project Sponsor and Facility: Borough of Adamstown, Adamstown Borough, Lancaster County, PA. Renewal of groundwater withdrawal of up to 0.069 mgd (30-day average) from Well 4 (Docket No. 19801104).

2. Project Sponsor and Facility: Anadarko E&P Company, LP (Second Fork Larrys Creek), Mifflin Township, Lycoming County, PA. Surface water withdrawal of up to 0.200 mgd (peak day).

3. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Susquehanna River), Susquehanna Depot Borough, Susquehanna County, PA. Renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20080908).

4. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Susquehanna River), Great Bend Township, Susquehanna County, PA. Renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20080905).

5. Project Sponsor and Facility: Carrizo (Marcellus), LLC (Muddy Run), Gulich Township, Clearfield County, PA. Surface water withdrawal of up to 0.720 mgd (peak day).

6. Project Sponsor and Facility: East Hempfield Township Municipal Authority, East Hempfield Township, Lancaster County, PA. Surface water withdrawal of up to 0.070 mgd (30-day average) from S-1 (Baker Spring); and Groundwater withdrawal of up to 0.268 mgd (30-day average) from Well W-1, 0.673 mgd (30-day average) from Well W-2, 0.264 mgd (30-day average) from Well W-3, 0.321 mgd (30-day average) from Well W-4 and renewal of groundwater withdrawal of up to 0.632 mgd (30-day average) from Well W-5 (Docket No. 19810203).

7. Project Sponsor and Facility: Enerplus Resources (USA) Corporation (West Branch Susquehanna River), East Keating Township, Clinton County, PA. Surface water withdrawal of up to 2.000 mgd (peak day).

8. Project Sponsor and Facility: EXCO Resources (PA), LLC (Larrys Creek), Mifflin Township, Lycoming County, PA. Renewal of surface water withdrawal with modification, for a total of 0.200 mgd (peak day) (Docket No. 20080936).

9. Project Sponsor and Facility: Forest Springs Water Company, Wayne Township, Schuylkill County, PA. Groundwater withdrawal of up to 0.075 mgd (30-day average) from Borehole BH-1, and modification to consumptive water use approval removing previous sources Spring 1 and Spring 2 and adding new source Borehole BH-1 (Docket No. 20010206).

10. Project Sponsor: Hydro Recovery-Antrim, LP. Project Facility: Antrim Treatment Plant, Duncan Township, Tioga County, PA. Modification to project features and to increase surface water withdrawal by an additional 1.152 mgd, for a total of 1.872 mgd (peak day) (Docket No. 20090902).

11. Project Sponsor and Facility: Keystone Clearwater Solutions, LLC (Lycoming Creek), Lewis Township, Lycoming County, PA. Modification to increase surface water withdrawal, for a total of 2.125 mgd (peak day) (Docket No. 20110616).

12. Project Sponsor and Facility: Keystone Clearwater Solutions, LLC (Moshannon Creek), Snow Shoe Township, Centre County, PA. Renewal of surface water withdrawal of up to 1.000 mgd (peak day) (Docket No. 20080946).

13. Project Sponsor and Facility: Keystone Clearwater Solutions, LLC (West Branch Susquehanna River), Goshen Township, Clearfield County, PA. Renewal of surface water withdrawal of up to 1.000 mgd (peak day) (Docket No. 20080944).

14. Project Sponsor and Facility: Roaring Spring Water-Division of Roaring Spring Blank Book, Roaring Spring Borough, Blair County, PA. Modification to increase consumptive water use by an additional 0.125 mgd, for a total of 0.255 mgd (peak day) (Docket No. 20120309), and to increase surface water withdrawal by an additional 0.131 mgd, for a total of 0.302 mgd (peak day) (Docket No. 20120309).

15. Project Sponsor and Facility: Talisman Energy USA, Inc. (Susquehanna River), Sheshequin Township, Bradford County, PA. Renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20080909).

Project Applications Tabled

The following project applications were tabled by the Commission:

1. Project Sponsor and Facility: Caernarvon Township Authority, Caernarvon Township, Berks County, PA. Application for renewal of groundwater withdrawal of up to 0.035 mgd (30-day average) from Well 6 (Docket No. 19820912).

2. Project Sponsor and Facility: EQT Production Company (Pine Creek), Porter Township, Lycoming County, PA. Application for surface water withdrawal of up to 1.000 mgd (peak day).

3. Project Sponsor and Facility: Falling Springs Water Works, Inc. (Falling Springs Reservoir), Ransom Township, Lackawanna County, PA. Application for surface water withdrawal of up to 0.800 mgd (peak day).

4. Project Sponsor and Facility: Gaberseck Brothers (Odin Pond 2), Keating Township, Potter County, PA. Application for surface water withdrawal of up to 0.249 mgd (peak day).

5. Project Sponsor and Facility: Houtzdale Municipal Authority (Beccaria Springs), Gulich Township, Clearfield County, PA. Application for surface water withdrawal of up to 10.000 mgd (peak day).

6. Project Sponsor and Facility: Southwestern Energy Production Company (Middle Lake), New Milford Township, Susquehanna County, PA. Application for surface water withdrawal of up to 0.720 mgd (peak day).

Authority: Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: October 19, 2012.

PAUL O. SWARTZ,
Executive Director

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